

COMMENTS FROM INDIVIDUALS AND ORGANIZATIONS

Since many comments were received from individuals and organizations, we attempted to capture the essence of the substantive comments and provide a summary of similar comments (*shown in italics*) to which we then provide a response. The guide to comment subjects is organized under the same major headings as the *1998 Draft Environmental Impact Statement and General Management Plan* that was released in September 1998. The subheadings and the items listed under them are intended to provide a tool for finding the agency response to comments received on that draft plan.

GUIDE TO COMMENT SUBJECTS

NATURAL RESOURCES	63
AIR QUALITY/VISIBILITY	63
VIEWSHEDS/VISUAL QUALITY	63
NIGHT SKY	64
NOISE AND OVERFLIGHTS.....	64
WATER RESOURCES.....	65
Springs, Floodplain and Wetland Areas	65
Water Developments	66
Water Rights.....	67
SENSITIVE SPECIES	70
Bighorn Sheep	70
Desert Tortoise.....	71
Sensitive Bird Species.....	71
Unique Plant Assemblages.....	72
Eureka Dunes	72
Miscellaneous.....	73
INTRODUCED SPECIES	74
BURROS.....	74
Direct Reduction.....	74
Adjacent BLM HMAs.....	74
Damage to Environment	75
Burro Removal Program.....	75
Interim Agreements with BLM	76
Living History	76
Population.....	76
Tamarisk.....	76
Use of Herbicides.....	76
Eradication of Old Trees in Campgrounds	77
Remove Only Some Trees Each Year.....	77
Miscellaneous.....	77
SPECIES RESTORATION.....	77
FIRE MANAGEMENT.....	77
INVENTORYING AND MONITORING.....	78
MISCELLANEOUS.....	80

CULTURAL RESOURCES	81
NATIVE AMERICAN INTERESTS	82
VISITOR USE, SERVICES AND FACILITIES	83
INTERPRETATION	83
Interpretive Themes.....	83
Community Outreach and Education	84
VISITOR USE	84
VISITOR FACILITIES.....	85
Campgrounds	85
RECREATIONAL ACTIVITIES	86
Day Use Areas and Activities.....	86
Backcountry Camping.....	86
Campfires.....	86
Camping Guidelines.....	86
Dedecker Canyon.....	87
Group Size.....	87
Thirty Day Camping Limit	88
Miscellaneous	88
Visitor Use in Saline Valley	89
Airstrips.....	89
Alternatives.....	89
Buffer Zones	90
Camping Area	90
Costs	90
Future Site Plan.....	90
Maintenance.....	91
Management.....	91
Preserve Historic Conditions	92
Public Input not Considered	92
Roads	92
Upper Springs Fence.....	93
Visitor Use Trends.....	93
Native American Use.....	93
Miscellaneous	93
Hunting.....	94
VISITOR USE FEES	94
COMMERCIAL USE AND SERVICES.....	95
Commercial Filming.....	95
Road Testing.....	95
Buses.....	96
Concessions	96
MISCELLANEOUS.....	96
Airstrips	96
Commercial Aviation.....	96
Saline Valley	97
Stovepipe Wells.....	97
GENERAL DEVELOPMENT CONCEPTS	97
STOVEPIPE WELLS.....	97
SOCIOECONOMICS.....	97
WATER RIGHTS.....	97
LOSS OF PUBLIC RECREATION LANDS	98
SOCIOECONOMIC STUDY	98

ROADS AND CIRCULATION.....	98
CARRYING CAPACITY	98
CLOSED ROUTES SIGNED	99
DEFINITION.....	99
RS-2477	99
INVENTORY ROADS.....	100
JURISDICTION/USE.....	101
PAVING/UPGRADING	101
RANGE OF ALTERNATIVES	101
SIGNS.....	101
TRAILS	102
 LANDOWNERSHIP AND USE.....	 102
PARK BOUNDARY AND AUTHORIZED ACREAGE.....	102
WILDERNESS	103
Access.....	103
Backcountry Cabins	104
Boundaries and Maps.....	105
Roadside Camping.....	106
Exotic Species	106
Filming.....	106
Fire.....	107
Group Size for Hikes.....	107
Horses	107
Management Theme	107
Minimum Tool Analysis.....	107
Interpretive Theme.....	108
Roads	108
Trespass and Enforcement.....	108
LAND PROTECTION PLAN.....	108
Incompatible Uses	108
Mining Claims	109
Concurrent Jurisdiction	109
Payments in Lieu of Taxes	109
Private Land Development in the Park.....	109
Water Rights.....	110
MINERAL DEVELOPMENTS.....	110
Abandoned Mine Lands.....	110
Standards.....	110
Valid Existing Rights	110
Management Objectives	111
Mining Authorized Activity	111
Minerals as a Natural Resource.....	111
Rainbow Talc Mine	111
Restoration.....	112
Sensitive Resource Analysis.....	112
Range of Alternatives.....	112
GRAZING/CATTLE MANAGEMENT.....	113
Alternatives.....	113
Base Property.....	113
Management	113
Grazing in Other Areas of the Park.....	114
Impacts	114
Retirement of Allotments	115
Permits	115
Fees	115

Water.....	115
Wilderness Access.....	115
OTHER TOPICS.....	116
BIOSPHERE RESERVE.....	116
DRAFT ENVIRONMENTAL IMPACT STATEMENT.....	116
Adequacy/Legal Sufficiency.....	116
Affected Environment and Impact Analysis Sections.....	117
Alternatives.....	118
Miscellaneous.....	119
FUTURE PLANNING.....	121
GENERAL MANAGEMENT PLAN.....	121
Purpose of Plan.....	121
Public Input.....	121
Cooperative Management.....	122
Cost Summary Table.....	122
Development Concept Plan Cost Estimates.....	122
Day Use Area Criteria.....	122
Desired Future Conditions.....	123
Develop Outside Park Instead of at Grapevine.....	123
Housing and Facilities.....	123
Staffing and Cost Breakdown.....	124
Zoning.....	124
Death Valley Natural History Association.....	125
Law Enforcement Rangers.....	125
NORTHERN AND EASTERN MOJAVE PLANNING EFFORT.....	125
Coordinated Planning.....	125
Combined Plan Versus Separate Ones.....	126
Compatible Plans With BLM/USFS.....	126
Separate Summary Document.....	126
YUCCA MOUNTAIN.....	126

NATURAL RESOURCES

Air Quality/Visibility

Comment: Death Valley should seek class I attainment. The staff needs to draw public attention to pollution sources and provide educational programs that examine the positive effects of clean air.

Response: The proposed action identifies class I air quality designation as a desirable goal. This goal must recognize that redesignation of the Park to class I is a state process. However, regardless of the success of this redesignation effort, the Park would work actively with the local air quality control boards to minimize effects whenever development threatens Park resources. The Park is also committed to continuing its air quality monitoring efforts, and improving them whenever funding permits and as stated in the draft plan, the Park would work with air pollution control officials to ensure compliance with Clean Air Act requirements.

Comment: Classification of Death Valley from class 2 to class 1, along with the viewsheds and night sky restrictions will have a significant, long-term adverse socioeconomic effect on the region surrounding Death Valley.

Response: The Park has no authority to regulate activities outside of its boundaries. The Park would, however, react to activities outside of its boundaries, similar to any neighbor reacting to an action or a proposed action being initiated by its neighbor. Concerns would be expressed under either class I or II designation about the potential effects of any development on Park air quality. The Prevention of Significant Deterioration program is an element of the Clean Air Act that applies, in various ways, to all three classes. Neither the redesignation to class I, nor the viewshed and night sky policies, were projected in our socioeconomic study as having a significant socioeconomic effect on the region. However, a redesignation would help ensure that the air quality of Death Valley was protected, especially from airborne particulates and sulfur dioxide. Any proposed new sources of pollution that could impact the air quality of the Park would have to take mitigating measures to ensure no adverse effect.

Comment: The proposed action provides that Death Valley would seek class I designation for air quality. The plan should state that to the extent that IMC Chemical Co., formerly North American, can apply new technology, they should be exempted or will not be required to undertake remediation or modifications.

Response: The designation of the Park as a class I area is a process that is managed by the California Air Resources Board. If redesignation of the Park were considered by the state, potential effects on existing developments would be highlighted during that process. The state would be the entity to exempt existing operations or require new modifications.

Viewsheds/Visual Quality

Comment: Keep communication towers and cell phone towers out of the Park. Existing structures should be retrofitted with viewshed compatible devices to reduce the visual presence in the current landscape.

Response: Pages 59–60 of the 1998 draft plan address the need to prepare guidelines for developed areas to create harmony between the built environment and natural areas.

Night Sky

Comment: Begin measuring and monitoring the amount of light pollution coming into the Park. Adopt a general guideline requiring night lighting to be shaded so it does not intrude upon the greater area.

Response: Death Valley's night sky is an important asset. The draft plan states an affirmative strategy to protect the night sky from outside light pollution and from within the Park. The National Park Service recently worked with the Federal Aviation Administration to reduce light impacts at Furnace Creek.

Noise and Overflights

Comment: Include more details on how natural quiet will be achieved. Noise from low-flying aircraft, primarily traffic from the airstrip at Stovepipe Wells and low-flying military jets buzzing the backcountry is a paramount problem.

Response: The primary source of noise in the Park is due to military overflights. Unfortunately, this is the one that is the most difficult to deal with because Congress specifically allows them in section 802 of the California Desert Protection Act. The plan proposes to monitor noise levels and work with the military to minimize disruptions. The Park is involved in a regional overflights working group that includes many federal land managers and military airspace managers. We hope that participation in this group will result in positive benefits for the Park.

The National Park Service is proposing to eliminate one of the airstrips and study a second airstrip in Saline Valley and convert the Stovepipe Wells airstrip from a paved to a dirt airstrip. This would reduce private aircraft numbers within the Park.

Comment: Include specific guidelines adopting a true noise monitoring plan. Identify the acquisition of some equipment to measure noise, a plan to set it up in selected areas and times, and record baseline noise impacts.

Response: A request for funding to begin a noise-monitoring program will be made in the Park's Resource Management Plan update.

Comment: The National Park Service should work with the military to minimize noise impacts to designated wilderness areas to maximum extent possible. The final environmental impact statement should clarify whether the California Desert Protection Act was intended to supercede or modify the 1976 agreement between Death Valley and Edwards AFB.

Response: The Park is a member of a recently established interagency overflight task force with the military that is beginning to address low-level flights over NPS units and BLM wilderness areas. Because overflights are legislatively authorized, some activity will continue to occur, but mitigation of noise will be of primary concern.

A clarifying statement was added indicating that previous agreements with Edwards AFB will be incorporated into future overflight agreements with the military.

Water Resources

Springs, Floodplain and Wetland Areas

Comment: Seek to protect, perpetuate, and restore wherever possible, surface and groundwater as integral components of Park ecosystems. Inventory water sources, fish, and wildlife.

Response: The plan clearly states that water and its protection is an important issue. The Death Valley National Park staff will continue its ongoing work to inventory water features and associated biotic resources and will continue developing plans for their protection and restoration (if needed). The 1998 draft plan states on page 67 that inventory and monitoring of the Park's natural resources is important and a comprehensive strategy would be developed through the Park's *Resource Management Plan*.

Comment: State what type of mitigation measures will be implemented to minimize harm to floodplain and wetland values.

Response: As stated in the draft plan, occupancy and modification of floodplains and wetlands would be avoided wherever possible. If no practicable alternatives exist, development and maintenance of structures in wetland-riparian areas may occur. If these actions were to take place, mitigation measures would be implemented. Since the activity that might create this potential situation is unknown at this time, specific mitigation measures cannot be predicted. However, an existing example might be the Salt Creek boardwalk that was constructed to prevent visitor use from destroying wetland habitat. Another example might be restoring native species to riparian areas to replace exotic tamarisk following its removal.

Comment: Work on the water system at Texas and Travertine springs poses possible negative impacts to spring snails and other species. What does the public know of this and what will be the decision with regards to an environmental document?

Response: Park staff are currently evaluating the impact of water diversion activities at Texas and Travertine Springs. As maintenance of the existing water collection system occurs, opportunities for mitigation activities are considered and implemented as feasible. As an example, the Park may develop a water collection gallery in Furnace Creek Wash that is downstream of a largely defunct gallery. If the new gallery were to be developed, it would be outside of the wetland and riparian area. If this rehabilitation became a serious proposal, an environmental assessment would be prepared for public dissemination and comment, and alternatives and impacts would be evaluated. If substantial modification of the water collection system becomes necessary, and if funding were available, a major rehabilitation of the water collection system would trigger the development of an environmental impact statement that would encourage public comments on the proposed developments.

Comment: The pond at Emigrant ranger station should be refilled. This was a historic pond that gave respite to wildlife, primarily migrating birds, and its loss is harmful to them.

Response: The Park Service has no plans to provide water for this artificial pond at this time. Because the Park Service has an obligation to insure that natural ecosystems and natural ecosystem processes are to govern plant and animal populations, the removal of this artificial water source acted to insure that management of the local area was consistent with NPS policies.

Comment: The proposal to limit or eliminate access to floodplains and wetland areas is vague. There is no justification for limiting access to areas of the Park that have afforded continued and unrestricted access prior to 1994.

Response: The draft plan does not propose to limit access, but to avoid occupancy and modifications (e.g. buildings and roads) within floodplains and wetlands. This statement applies to NPS activities and permitted actions, and is not discretionary. It is a mandate based on laws and executive orders.

Water Developments

Comment: *Guzzlers could provide habitat to mitigate losses elsewhere. The intent and interpretation of water developments alternative needs further clarification. Do not remove water developments that are providing beneficial use to wildlife and native vegetation even though they are not considered a replacement to water lost.*

Response: Long-term management of artificial guzzlers in the Park involves numerous aspects that are beyond the scope of detail that is possible in a general management plan. The specifics that involve guzzler management, retention, and removal will be addressed in subsequent, detail-specific planning documents.

Because the National Park Service has a management responsibility to manage for natural ecosystems and natural ecosystem processes, the retention of artificial water sources that do not replace springs that were affected by human activities is problematic.

Comment: *The National Park Service and the California Department of Fish and Game should jointly examine the use of and need for developed water sites and develop a program for maintaining / dismantling developed water sites. Develop a program to allow motorized access to maintain or replenish developed water sources.*

Response: The Park would welcome the assistance and expertise of the Department Fish and Game in examining the use, maintenance, or removal of developed water sites. Motorized access to sites in wilderness would be considered extraordinary and would not be routinely allowed unless unusual circumstances warranted it. These instances would be considered on a case-by-case basis consistent with the Wilderness Act, and nothing in the California Desert Protection Act provides authority for mechanized vehicle access to guzzlers in Death Valley National Park wilderness areas. In fact, each water development in wilderness would have to be examined in light of the restrictions in the Wilderness Act on structures and installations.

Comment: *Guzzlers have been installed to provide water in areas where the natural water source has been altered by humans so that it is no longer available to wildlife. The guzzlers section in the affected environment implies that Death Valley's bighorn sheep population has expanded beyond the area's carrying capacity. In fact, bighorn sheep numbers in Death Valley have dropped dramatically (Douglas, 1985, 1986). The statement that a review of guzzler use by Park staff concluded that two of the big game guzzlers received little or no use should be substantiated.*

Response: We agree that guzzlers may be necessary where they have been installed to replace water no longer available to wildlife due to human intervention. We have requested that the California Department of Fish and Game provide us with data indicating that such is the case in Death Valley. Where guzzlers have been installed to artificially increase wildlife populations where water was not present are the areas where the Park Service is proposing to examine the guzzlers' appropriateness.

Comment: *The statement on page 62 that guzzlers would be removed when water source became self-sustaining is in direct opposition to the monument plan which states that they would be maintained and replaced if found to be a critical water source for wildlife.*

Response: The current proposed action adopts a similar policy regarding guzzlers. However, the Park's preferred approach is to provide natural water where it can be restored. If water developments are found to cause unnatural changes in plant or animal numbers they will be considered for removal. A Park's purpose is not to artificially enhance wildlife populations, but to maintain natural populations in a natural setting.

Comment: *Livestock tanks and troughs should remain if use by livestock continues. Alternative 1: "keep all developments benefiting vegetation and wildlife" implies that all other water developments, while benefiting livestock, would be eliminated. This proposal should be eliminated.*

Response: Page 63 of the 1998 draft plan addresses water developments for livestock grazing and clearly indicates that water necessary for animal health would be maintained.

Comment: *The plan should have given the criteria for determining when a water source has become "self-sustaining." It should be in quantifiable terms and include an adequate monitoring period. The NPS should consider additional guzzlers to mitigate existing development and any new NPS facilities.*

Response: The development of such criteria need to be given thoughtful consideration and involvement of professionals and the public. As such, they should be developed in the process of designing restoration plans for springs. The issues about loss of habitat elsewhere are good points that would be considered as part of the process of evaluating the use and need for water developments as proposed in the plan. The NPS would welcome partnerships to assist in maintaining any water development where data shows it to be needed. The proposed action does not suggest retaining any water development that is beneficial, but rather those that are shown to be necessary to replace lost or damaged natural sources. Placing water in the desert where none previously existed would attract and maintain unnatural populations of wildlife. This could result in other problems in the ecosystem, but at a minimum creates an "artificial" desert, rather than maintains a natural, self-sustaining desert ecosystem. It is not the NPS mission to create artificial populations of wildlife for visitor enjoyment.

Water Rights

Comment: *Formally acquire all remaining water rights to Amargosa River and to other watersheds that the Park is managing. Panamint Valley, Saline Valley and any other bordering water source must be formally appropriated for the Park.*

Response: The Park has no authority to acquire all remaining water rights to the Amargosa River. The Park is actively participating in the state's appropriation of water rights and intends to protect the federal reserved water right through this process.

Comment: *Acquire water rights when feasible.*

Response: The plan clearly states that water and its protection is an important issue. The Death Valley National Park staff will continue its ongoing work to inventory water features and associated biotic resources and will continue developing plans for their protection and restoration (if needed). The 1998 draft plan states on page 67 that inventory and monitoring of the Park's natural resources is important, and a comprehensive strategy would be developed through the Park's *Resource Management Plan*.

The Department of Energy is conducting a water audit parkwide.

The last statement on page 61 of the 1998 draft plan provides for the purchase of water rights. In addition, the discussion on page 84 indicates that the Park Service would seek funding to acquire the majority of private lands and interests based on priorities in the *Land Protection Plan* (appendix B).

Comment: The National Park Service has a federal reserved water right for all unappropriated water. These claims add to the over-appropriation of the Amargosa Valley hydrographic basin.

Response: The existence of all water rights and the quantity of water limits the availability of new water rights. The Park Service has, for several years, supported the development of technical tools to assist in analyzing impacts to water rights/water resources at Death Valley resulting from existing and proposed water development upgradient from the Park. The Park Service continues to support technical investigations by U.S. Geological Survey and others because information gaps remain in several areas. To this end, the Park Service initiated the annual Devils Hole Workshop, a forum for scientists and natural resource managers working on water related issues in the Death Valley Flow System and particularly the Devils Hole area to exchange information. The Park Service supports cooperative endeavors currently underway by the U.S. Geological Survey, U.S. Department of Energy, Nye County, and others for developing a regional model of the Death Valley Groundwater Flow System and other scientific information to improve understanding for the geohydrology of the system. However, completion of these endeavors, and others yet to be started, will take some time before enough data is available to improve upon current predictive capability. Additionally, the Park Service will pursue protection actions using available scientific information to determine potential for impact and, will continue to seek the collection of additional data through negotiated resolutions to water right permit protests.

Comment: Prevent appropriation of unappropriated water in the Park and assert the rights of the National Park Service to those waters as reserved property of the United States.

Response: Appropriation of water rights is a state-administered activity. Determination of whether new water rights may be appropriated is a process under state law in which the Park Service would be an active participant to ensure that the federal reserved water right is not diminished. The plan has been modified to indicate that NPS Management Policies require that all rights to the use of water diverted to or used on federal lands by permittees would be perfected in the name of the United States.

Comment: The National Park Service makes no distinction between public and private water rights, nor acknowledges state borders. Federally reserved water rights status does not exist. There is no authorization for the Park to protest water rights. This is expensive.

Response: Case law has established the doctrine of federal reserved water rights. The U.S. Supreme Court has found that when the government reserves land for specific purposes, it also expressly or impliedly reserves an amount of water necessary for the purpose of the reservation. Cases specifically related to federal reserved rights for National Park units are *Cappaert v. United States* and *Arizona v. California*. Because reserved rights are an application of Federal law, they may only be determined, i.e. quantified, as a result of a general adjudication according to the McCarran Amendment or by court action initiated by the United States.

Lands were reserved in Death Valley by the Congress and Executive Order. In addition to the reservation of federal lands for purposes of the California Desert Protection Act, lands were reserved in 1933 by Presidential Proclamation (Proc. 2028, 47 Stat. 2554) for creation of Death Valley National Monument for “the preservation of the unusual features of scenic, scientific, and educational interest therein contained.” The monument’s boundaries were expanded in 1937 to add areas of historic and scientific interest. In 1952, Devils Hole was added to Death Valley National Monument because “the said pool...is unusual among caverns...and...in this pool...a peculiar race of desert fish...which is found nowhere else in the

world, evolved only after the gradual drying of the Death Valley Lake System isolated this fish population from the original ancestral stock that in Pleistocene times was common to the entire region” (Proc. 2961, 66 Stat. C. 18, 17 Fed. Reg. 691).

Consistent with case law, the National Park Service considers these actions to have created reserved water rights for Death Valley National Park. These rights are for water, unappropriated at the time of the reservation, for the purposes for which lands within Death Valley were reserved and to the extent needed to accomplish the purpose of the reservation. The priority dates for these reserved rights are the dates of the reservations and are superior to the rights of later appropriators.

At Devils Hole, a detached unit of Death Valley, a decision by the U.S. Supreme Court in *Cappaert v. United States* determined that a federal reserved water right exists for the purpose of maintaining a water level sufficient to inundate the rock shelf on which the endangered Devils Hole pupfish spawn. In addition to Devils Hole, Death Valley National Monument was created to preserve unusual features of scenic, scientific, and educational interest. Springs and water-related resources are important features of the Park. Quantification of these other rights can only be accomplished through adjudication. If the United States is joined in an adjudication in California or Nevada, the Park Service will assert federal reserved rights for Death Valley, including rights for wilderness purposes. Congress reserved a federal water right for designated wilderness areas in section 706 of the California Desert Protection Act sufficient to fulfill the purposes of the act.

Comment: Direct impacts of National Park Service actions on water resources include loss of agricultural jobs, decrease in water available for other regional uses, increase cost of water rights acquisition, and increase in operational costs for local businesses. Indirect impacts of National Park Service actions on water resources include increase water costs, decreased tax revenues, decreases in long-term productivity of private lands, and exacerbation of groundwater overdraft in Pahrump Valley.

Response: Generally speaking, a planning document like the *Draft Environmental Impact Statement / General Management Plan* describes proposed actions and alternatives that are within the federal decision maker’s discretion to implement. With respect to water rights, there is very little discretion because the National Park Service is required by federal law to protect the water rights of the United States. The mandate to protect these rights is based upon Park-specific enabling legislation and general authorities as provided by the 1916 Organic Act, General Authorities Act of 1970, and NPS policy. The Park Service participates in California and Nevada administrative water rights proceedings to protect federal reserved, riparian, and appropriative rights established for Death Valley from injury by outside threats such as new appropriations for groundwater located upgradient of Park water sources. Through state administrative procedures, the Park Service seeks to protect both quantified and unquantified federal reserved rights. Actions taken by the Park Service have included filing protests to applications for permits to appropriate groundwater when it has determined that the effects of groundwater pumping under these applications would potentially impair Park water rights and resources. These actions follow the substantive administrative procedures for California and Nevada water rights. As the comments suggest, protests are often resolved, and administrative hearings avoided, through negotiated settlements.

It is not the intent of the Park Service to impede the legitimate goals of applicants for groundwater, as was suggested in some of the comments. It is, however, the intent of Park Service to fully protect the water resources of Death Valley and the resource attributes that are dependent upon or related to those water resources.

In Nevada, for example, the Park Service has protested many applications for groundwater rights on the grounds that, if approved, the appropriations would impair the Park Service’s senior state appropriative and federal reserved water rights if flows from Death Valley’s springs or spring complexes and Devils

Hole, which are discharge areas for regional-groundwater flow systems, are reduced or eliminated and biological resources impaired as a result of up gradient groundwater withdrawals. In most instances involving a determination of impacts due to the proposed withdrawal of groundwater, the National Park Service's understanding of the geohydrology may be no better, nor worse, than that of applicants who seek to appropriate groundwater. However, the Park Service has negotiated settlements (for example, with Department of Energy, and Barrick Bullfrog, Inc.) and achieved cooperative solutions to such protests by having the issued Permits to Appropriate the Public Waters of the State of Nevada conditioned upon the establishment and operation of monitoring programs designed to identify potential impacts at Death Valley. The monitoring programs are structured in such a way that impact shall be identified at a time and location sufficient to allow for the mitigation and/or remediation of any projected impact to Death Valley. The National Park Service believes that having this information benefits both the Park Service and Nye County.

Comment: The public should be aware that table B-4 (Water Rights) in the "Land Protection Plan" is for information only and that it does not necessarily reflect all appropriated water rights, including those privately held within the Park.

Response: The table has been clarified to indicate that the information contained in it may not reflect every water right that may exist in the Park. It is simply a list of those rights recorded with the California State Water Resources Control Board. Many other valid rights may exist and the Park will be working in conjunction with the NPS Water Resources Division to try and accumulate records for all water rights.

Comment: Roy Hunter and other water rights owners' records are not listed. They are not aware that they have to file with the state. Has Nevada been made aware that their rights along the Nevada drainage may be affected?

Response: The water rights listed are those that the NPS has been able to locate to date. The National Park Service will work with interested parties to update the list.

Sensitive Species

Bighorn Sheep

Comment: The desert bighorn sheep population in the Park is unstable and should receive greater protection.

Response: The Park has studied bighorn sheep in the old monument in cooperation with University of Nevada at Las Vegas for the last 25 years. Different census techniques have been used over the past several decades to develop populations for sheep in different parts of the old monument. Unfortunately, the use of these different techniques has made the accurate assessment of population trend problematic. We agree that bighorn sheep management in the Park deserves significant attention.

Comment: The long-range plan, which considers the individual bighorn populations as parts of the greater metapopulations, is still valid. Metapopulations don't recognize Park boundaries.

Response: We agree with the philosophy that all of the federal land management agencies should work together in a coordinated manner to protect the desert's sheep herds. The Park would seek the expertise of CDF&G biologists and others in determining appropriate management of this unique desert species as a component of the entire desert ecosystem that the Park Service is charged with managing.

Desert Tortoise

Comment: The draft plan is deficient in disclosing activities proposed that will contribute to recovery of listed species (desert tortoise). Bring together a task group of responsible agencies and desert tortoise specialists to devise management prescriptions.

Response: Tables C-3 and C-4 in appendix C of the plan do identify some known threats to sensitive species. For listed species with habitat in the Park, specific actions are being pursued. A conservation plan for the Eureka Dunes area is being prepared in consultation with the U.S. Fish and Wildlife Service that will provide proper management and protections for the sensitive plants in that area. Park staff has actively pursued numerous actions for years to protect the Devils Hole pupfish, including regular fish counts and monitoring of water. The area is fenced and closed to public access. The Park actively seeks to protect the endangered fish from groundwater drawdowns.

Regarding the desert tortoise, no critical habitat has been formally designated within Death Valley National Park by the U.S. Fish and Wildlife Service. Historical sightings have been rare. In 1998 the resources management staff conducted surveys for desert tortoise and discovered only limited number of animals parkwide. In Greenwater Valley, suitable habitat was found to occur and some historic use was indicated. Human activities in Greenwater Valley area are very light and road access is very limited. The entire area outside of the limited dirt road access is designated wilderness. If and when additional information of desert tortoise's presence within the Park are found by Park staff or others and it is found that additional protection is warranted, appropriate actions would be taken. Grazing does not occur within any desert tortoise habitat in Death Valley National Park. Active mining activity is also absent from areas where tortoises are known to occur.

Comment: The plan needs to at least consider, if not adopt, an alternative that restricts motor vehicle use on roads in areas where tortoise populations are most prevalent in Death Valley. These closures don't have to be permanent; they can be seasonal.

Response: Historical sightings have been rare. In Greenwater Valley, suitable tortoise habitat is present and some historic use has been documented. Human activities in Greenwater Valley area are very light and road access is very limited. Visitor use of the roads in the valley is relatively light, and the unmaintained nature of the road normally prevents high-speed travel by vehicles. If the Park staff documents vehicle mortality in the valley, a variety of mitigation measures could be implemented, including tortoise signing, stricter enforcement of speed limits, etc.

Comment: The Greenwater Valley tortoise population is the densest in the Park and is free of upper respiratory tract disease (URTD).

Response: We believe that the habitat in Greenwater Valley is well protected for the desert tortoise and other species due to wilderness, its Park status, lack of grazing, no feral burros, lack of mining, lack of hunting, low visitor use, and minimal road access. We know of no evidence to suggest that the three roads that access the Black Mountains from the Greenwater Valley Road pose any real threat to the tortoise. While the tortoise density in Greenwater Valley may be greater than other areas of the Park, the overall density is still low relative to other areas of the Mojave Desert.

Sensitive Bird Species

Comment: The statement on page 126 that "there is no critical habitat located within Death Valley for either subspecies" is false. There is habitat when the vireo is breeding and when the flycatcher is migrating.

Response: The term “critical habitat” was used in the plan in the context as it relates to a formal designation by the U.S. Fish and Wildlife Service. There is no designated USFWS critical habitat in Death Valley for the two bird species mentioned. Your comment is correct in that riparian and wetland habitats are essential/critical to migrating birds.

Park staff have conducted an evaluation of the water collection management practices since the event you reference, and significant disturbance of the wetland where the birds were found has not occurred during the three years. The same lack of activity also applies to vegetation control/management.

Comment: *The section on riparian-dependent bird species exemplifies why all riparian areas need to be identified in this plan, so that available habitat can be identified for these sensitive birds.*

Response: Wetland areas have been mapped for the Park as part of a wetland inventory, but riparian area maps for the Park are still lacking. Vegetation maps for site-specific areas are currently being prepared will also have riparian areas mapped that will aid in the protection of resource values.

Unique Plant Assemblages

Comment: *There is a lack of identification of unique plant assemblages as in BLM’s 1980 desert plan. They should be identified on a map.*

Response: The unique plant assemblage at Eureka Dunes would be dealt with in the management plan currently being prepared by the Park in consultation with the U.S. Fish and Wildlife Service.

Page 64 of the 1998 draft plan addresses protection of sensitive species and habitats. Commitments are made to map the distribution of unique and sensitive plant and animals and to take protective measures where necessary, including limiting public access. Specific measures would be determined through the resource management plan or site-specific activity plan. The Park asked that USGS map unique plant assemblages during the development of the Mojave Desert vegetation map currently under preparation.

Eureka Dunes

Comment: *Alternative 1 fails to discuss the impacts of recreational activities on Eureka Dunes. Adopt a stringent policy regulating sandboarding, sand skiing, horseback riding, and camping to protect endangered and threatened flora.*

Response: The proposed action (page 64 of the 1998 draft plan) recognizes the issue of speculative recreational impacts to sensitive species at the dunes. The Park is presently developing a management plan for the Eureka Dunes vicinity in consultation with the U.S. Fish and Wildlife Service and is actively monitoring the recreational use of the dunes. The National Park Service is fully committed to the protection of sensitive flora. As previously stated, this type of detailed site management strategy is appropriate in an activity level plan, not in the general management plan.

Comment: *The Eureka Dunes are not described as a unique plant community in the plan. Include details of conservation strategy being developed by the National Park Service and the U.S. Fish and Wildlife Service.*

Response: The unique plant assemblage at Eureka Dunes would be dealt with in the management plan currently being prepared by the Park in consultation with the U.S. Fish and Wildlife Service.

Page 64 of the 1998 draft plan addresses protection of sensitive species and habitats. Commitments are made to map the distribution of unique and sensitive plant and animals and to take protective measures where necessary, including limiting public access. Specific measures would be determined through the resource management plan or site-specific activity plan. The Park asked that USGS map unique plant assemblages during the development of the Mojave Desert vegetation map currently under preparation.

Miscellaneous

Comment: The statement on page 37 that implementation of alternative 1 will increase the level of protection for fragile or sensitive resources is unsubstantiated. Only species identified for conservation in alternative 1 are federally listed or proposed species.

Response: The proposed action proposes to remove burros, manage grazing and mining, protect wilderness (95% of the Park) and protect sensitive species. Alternative 1's sensitive species section elaborates on commitments being made to sensitive species protection at this general management planning level. The Park has worked actively for years to inventory and map species distribution and identify threats to sensitive species. Where threats are identified, the Park uses a variety of management actions to reduce or eliminate the threats. Probably the best example is the Devils Hole pupfish that the Park Service has been aggressively protecting from groundwater overpumping for nearly 30 years. Protection of this species and the aquifer that sustains the pupfish helps to protect numerous water-dependent species in the Park and the Ash Meadows area. The Park Service has a preservation mandate and both the agency and the Park have an excellent track record of protecting the resources.

Comment: Protect and perpetuate natural distribution and abundance of all native species in the same manner as promoting conservation of federally listed or proposed species.

Response: This is our mission and it is stated as such in the draft plan. This section on page 64 of the 1998 draft plan is specific to sensitive species.

Protection of all resources is inherent in our regulations and in our daily management activities. Threats to Park resources are routinely identified, management solutions proposed and funding sought. Most of our staff activities are directed at resource preservation, whether it's maintenance, law enforcement, resource management, or interpretation. All of these activities are directed at identifying threats and taking corrective action.

Comment: The Ash Meadows Recovery Plan section of the Species and Habitats of Special Consideration section is confusing. If species do not occur in the planning area, mentioning them in text here without reference to appendix C is disconcerting.

Response: In reviewing the section on Ash Meadows in the "Affected Environment" section of the 1998 draft plan (pages 124–126) we cannot determine the source of confusion. The section explains why these species are included in this document, and generally which ones occur on NPS land at Devils Hole.

The tables in appendix C include the entire Northern and Eastern Mojave planning area, although columns indicate the known occurrences within Death Valley, Mojave, and BLM lands. The occurrence information seems to confirm the information you have provided for these four species.

*Comment: Nevada State endangered species are overlooked, such as *ferocactus cylindraceus* var. *lecontei* and *sclerocactus polyancistrus* are protected cacti (CY).*

Response: All native plants and animals including the above are protected by NPS regulations.

Comment: *The rest of the sensitive plant species in appendix D, table D-2, should be specifically discussed in the text by species. Actions to preserve rare species integrity are mandatory. Threats are not discussed.*

Response: This section has been modified to provide clarification of the Park's commitment to protection of all sensitive species.

Comment: *Pets should be kept on a leash. Killing of native species by people's pets is not acceptable.*

Response: NPS regulations require pets to be on a leash.

Introduced Species

Burros

Direct Reduction

Comment: *Burro and horse removal should be completed to the extent possible. Direct reduction to the zero level is not reasonable. Use water trapping and round ups. Wild burros should be placed in the BLM Wild Horse and Burro Adoption Program or with animal protection groups.*

Response: The Park goal is to achieve a wild horse and burro population of zero animals. This has been the same goal used successfully in other NPS units such as Grand Canyon National Park and Organ Pipe Cactus National Monument. The Park understands that management of these populations is a long-term prospect, especially with populations on neighboring lands. We will work closely with the Bureau of Land Management to ensure that trespass is minimized and the Park populations are maintained at near zero. Mojave's excessive burro population and existence of numerous corrals and developed water sources provides opportunities for capture operations that may not work as well in Death Valley. However, the Park is open to trying any method that would successfully capture burros and reduce the cost of the program.

The preference of adoption sources is noted. The National Park Service will employ a three-phased burro control program, and phase three will rely on a variety of control measures including roundups and direct reduction. It should be noted that when this approach was used in the old monument during the 1980s, 90% or more of the burros that were present were live captured before the direct reduction technique was initiated. Because of the number of burros that must be captured and placed for adoption throughout the desert, a variety of options must remain available that can place captured burros. The Park Service does not contract for placement without assurances for humane treatment and no selling to slaughterhouses.

Comment: *The National Park Service should not shoot burros, which are federally protected animals, that stray across BLM/Park boundaries after this 5-year moratorium.*

Response: Previous experience at Death Valley and ongoing capture operations at Mojave indicate that the prospect of retrieving the majority of the animals using live capture techniques during phases I and II is high. Bureau of Land Management has agreed to work with the Parks to minimize trespass onto Park lands. Fencing would be considered to prevent recurring trespass issues where herds are maintained on adjacent BLM lands.

Adjacent BLM HMAs

Comment: *Total burro eradication is doubtful because of trespass burros from BLM lands.*

Response: In Death Valley, we are very concerned about long-term management issues with adjacent BLM herd management areas. We have no disagreement with the Bureau of Land Management over their management of public lands to meet their agency mission and to achieve compliance with laws they are mandated to meet. However, we are concerned about actions that may cause impacts on Park resources or that cause the Park to spend public funds to protect the Park against their management actions. We have strongly expressed this concern to the Bureau of Land Management and they have agreed to work with us to develop strategies to prevent trespass issues, which might include fencing of some areas. We will work to achieve and maintain the zero burro population goal in the Park with the minimum expenditure of Park funds over the long-term.

Damage to Environment

Comment: *Provide evidence of burros befouling waterholes by trampling and defecation, and attacking bighorn and driving them out of some ranges.*

Response: A number of scientific studies have documented that burros damage the environment. NPS policies clearly call for the animals to be removed because they are nonnative. While cattle may cause similar impacts, cattle grazing is an activity that Congress allowed to continue. Cattle numbers would be managed and measures taken to minimize effects on Park resources. The scenario that burros attack bighorn sheep is doubtful. Several published journal articles have documented that burros affect sheep through a variety of mechanisms, including competition. This form of interaction is more subtle than outright aggression, but does have effects that relate to the quality of habitat that are available to bighorn sheep.

Burro Removal Program

Comment: *There is no reason to delay any longer the implementation of an aggressive burro removal program.*

Response: Funding is the only issue that has been standing in the way of burro removal. Costing upwards of \$1200 per animal, getting this program underway with internal Park funding competes with other priorities, such as Eureka Dunes management plan. Removal of burros in the newly added lands began the first week of March 1999, with 190 burros rounded up. In fiscal year 2000, an additional 197 burros were removed. Given logistics, funds, and adoption markets, the National Park Service believes the three to five year program is the most effective and efficient.

Comment: *\$450,000 should be reapportioned from the \$7,000,000 for the building of swimming pools and new RV pads to remove these animals humanely and to extend the deadline.*

Response: The National Park Service is aware of no plan for the use of \$7,000,000 for swimming pools and RV pads. None of the projected cost estimates are currently funded. Appropriations for these two activities would not come from the same funding allocation. The Park is specifically prohibited from reallocating funds from one source to another.

Because of the burro's high reproductive rate, it is important to quickly remove them from the Park to reduce resource damage. Extending the number of years to accomplish this task would only exacerbate the problem and increase the costs. For instance, approximately eighty animals would have to be removed per year just to keep up with the population growth.

Interim Agreements with BLM

Comment: *The National Park Service has an existing agreement with the Bureau of Land Management regarding burro removal policy on the new lands.*

Response: The 1992 agreement was signed before the new lands were added to Death Valley. The agreement now extends to the new lands and is reviewed with the Bureau of Land Management as needed.

A letter of agreement with the Bureau of Land Management was signed shortly after the passage of the California Desert Protection Act. This agreement provides for the National Park Service to maintain the burro populations at the previous BLM herd management levels until a new management plan is in place.

Living History

Comment: *The burro is a living historic object.*

Response: The burro as a component of mining history would be addressed through interpretive materials. However, the burro as a free roaming component of the natural environment does not represent the historic use of the animal as a beast of burden. Having a burro as a component of a living history exhibition loaded with saddlebags carrying a prospector's supplies may be an appropriate interpretation of the history of the burro.

Population

Comment: *Removal strategies need to exceed the burro's reproductive rate of 18% to 20% a year.*

Response: The alternative 1 section dealing with burro management has been expanded in response to your comment. The no burro strategy has been clarified to include wild horses, if encountered. It now also includes a maximum three-year capture strategy for phase one and the option to have phases running concurrently in different parts of the Park. For instance, the old Monument lands have been in phase two for several years. The Park also maintains the option of implementing phase three there if live captures do not succeed in reducing the populations. As captures in the new lands proceed, a particular area of the Park, such as Saline Valley, could be placed in phase two or three separate from the rest of the Park. The removal phases have also been modified to clarify that phases one and two must result in adequate removals each year to reduce the populations substantially in the area being targeted. If phase one proves unsuccessful in year one and only results in removing the population growth, the NPS would move to phases two and three as needed to achieve the desired results.

Tamarisk

Use of Herbicides

Comment: *Use of dangerous herbicides for tamarisk removal should be prohibited.*

Response: Successful control of tamarisk has been demonstrated in numerous projects throughout the southwest. We are unaware of any methods that do not use herbicides. Only authorized herbicides would be used in tamarisk control efforts. Such herbicides are non-persistent, nontoxic to aquatic life and are used in accordance with accepted management practices and proper dosages.

Eradication of Old Trees in Campgrounds

Comment: *Include athel in eradication program.*

Response: NPS policy is to eradicate exotic species when control is prudent and feasible. Except under the most unusual circumstances (e.g. historic landscape restoration at Scotty's Castle), exotic species would not be used for landscaping in the Park. However, where old trees have been in place for many years, such as at Stovepipe Wells and Furnace Creek, old individual exotic plants will be reviewed on a case-by-case basis. They will not be replaced by exotics.

Recent plantings of athel tamarisk trees in a campground have been removed.

Remove Only Some Trees Each Year

Comment: *Have a leapfrog method for tamarisk removal because wildlife use it for shade, cover, and food. Do not allow native mesquite to be removed during exotics eradication process.*

Response: Tamarisk would not be removed during bird breeding seasons. A leapfrog removal technique does not work well for the invasive species of tamarisk. Each tree produces thousands of wind-borne seeds. Leaving trees behind would encourage seedlings to sprout in the cleared area. Clearing the entire area of tamarisk has been shown to be a more effective way of controlling this species. The Park would strive to minimize disturbance to native species during the removals of tamarisk.

Miscellaneous

Comment: *Exotic mammals were discussed but not birds. There are three species of exotic birds —rock dove, European starling, and house sparrow.*

Response: The list of exotics was not intended to be exhaustive. Other exotic plants, mammals, and birds occur within the Park. The management philosophy regarding exotics is presented on page 65 and 66 of the 1998 draft plan.

Species Restoration

Comment: *Identify those species being considered for restoration.*

Response: Reintroduction of formerly extant species in the Park is not planned at this time and none have been identified. Restoration of habitats such as the mesquite-willow community in the bottom of Furnace Creek Wash near the Park headquarters do have the potential to encourage the re-colonization of site-specific areas where some species may have been absent.

Fire Management

Comment: *The fire management discussion needs to mention its application within wilderness.*

Response: The proposed action section on fire management has been expanded.

Inventorying and Monitoring

Comment: Need baseline surveys of sensitive species and annual inspection plans so that natural fluctuations on populations can be understood and impacts from outside sources identified and dealt with.

Response: We believe that the NPS management of one of the most sensitive species in Death Valley, if not on earth, the Devils Hole pupfish, demonstrates our commitment to baseline inventory and annual monitoring. We have an extensive database on the pupfish and are constantly monitoring the population and water level. Baseline surveys of other sensitive species is also occurring and will continue.

Comment: Disturbed land restoration is an important component of the plan, along with scientific research and inventorying and monitoring. The plan does not fully disclose, or identify levels of funding associated with measures to protect, preserve, or enhance fish, wildlife, or plant resources of their habitats. There is no funding for inventorying and monitoring.

Response: Funding for resource management issues is usually allocated on a yearly basis through internal Park programs. Each year every park competes for these funds. Sometimes requests are made for financial assistance from Congress via line item appropriations. Other than the Park's base budget it presently has no funding identified for inventorying and monitoring activities. There is a probability that all NPS units will receive funding for inventory and monitoring activities beginning in the year 2000 or 2001. Park staff hope these allocations are forthcoming, and will move aggressively forward with enhanced inventory activities as the funding becomes available.

Comment: The draft plan is deficient in describing programs regarding inventorying and monitoring. There is no real commitment to performing necessary inventorying and monitoring.

Response: The National Park Service recognizes, as stated on page 67 of the 1998 draft plan, the importance of an inventorying and monitoring program. Aspects of such a program are in place and operational, such as air quality monitoring and monitoring of the water level and fish at Devils Hole. A national NPS program and funding is programmed to begin in 2000 or 2001, and all NPS units would be allowed to submit proposals requesting funding.

Comment: If Resource Management Plan and Natural and Cultural Resource Management Plan have general guidelines that accomplish the requirements of ecosystem/habitat inventory and monitoring, put it in this plan.

Response: The *Resource Management Plan* (RMP), including both cultural and natural resources, was prepared in 1980 and needs to be updated. The RMP states the resource issues and ranks them according to funding priority. This list is updated every year.

Development of a comprehensive inventory and monitoring program of the Park's resources is a firm commitment made in the proposed action on page 67 of the 1998 draft plan. The development of this program will take some real work and consultation with experts. In the meantime, the Park has not and is not ignoring its responsibilities as implied in your comments. Park staff have done a remarkable job given the limited budget increases that have been received despite the immense size of the Park. While it is true that the Park has a ways to go in the development of a consistent thorough information baseline, a tremendous amount of information has been gathered for years on Park resources. We are also committed to continuing efforts to monitor threats from outside sources as identified in the proposed action.

The Park Service as a whole has attempted at least two recent major budgetary efforts to get support for consistent baseline inventory and monitoring of Park resources. In the FY 2000 budget proposal there is

another attempt to get funding for a “vital signs” program. These efforts are complex and expensive. The “Inventorying and Monitoring Plan” you provided from Organ Pipe was from one of ten parks selected to be the prototype programs for other parks within the NPS system. Other parks are not yet funded for this type of effort.

Death Valley is also a major player in an effort that looks promising for desertwide interagency ecological monitoring in the FY 01 budget. However, this is only a small piece of what is needed. The Park will continue to pursue various avenues to get a comprehensive resource-monitoring program in place and would welcome participation in its development.

The “Plan Implementation” section of the 1998 draft plan does list an increase of 37 staff and \$1.7 million in budget, which includes positions and funding for resource management and protection.

Comment: “Inventorying and Monitoring” should include monitoring and research needs, prioritization and timeframes for inventorying and monitoring. Specific monitoring prescriptions should be discussed.

Response: A general management plan is not the appropriate document for specific details, such as an inventorying and monitoring program. Gathering and analyzing the necessary data for each separate aspect of the Park management programs identified in a general management plan is simply not possible given the level of detail necessary in inventory and monitoring plans.

The existing management alternative has been modified to include some of the specific resource inventory and monitoring programs that are in place.

Comment: A reactive proposal of looking at “sensitive habitats” is not sufficient to give future generations a chance to encounter what we consider natural.

Resource protection is the mission of the National Park Service and is stated throughout the document. Pages 59–67 of the 1998 draft plan specifically lay out the protection strategy proposed for natural resources at Death Valley. A portion of one page addressed sensitive species. For example:

- Within the draft plan it is mentioned that the Park has ongoing programs to monitor and protect its air and water.
- Monitoring occurs on invasive species.
- The Park has an ongoing program that monitors the Devils Hole water and pupfish.
- 95% of the Park is now wilderness and as a result, many areas are limited to foot and horse access and resources protected from offroad vehicles.

Comment: The plan is deficient in disclosing activities proposed that will contribute to recovery of listed species (desert tortoise). Bring together a task group of responsible agencies and desert tortoise specialists to devise management prescriptions.

Response: The interpretive themes identified on page 31 of the 1998 draft plan provide the framework for developing the interpretive materials and messages. These themes are the key elements that we believe the public should understand about Death Valley and they appear to also represent the diversity of habitats and visitor experiences that you believe are important to convey. Pages 69–72 of the 1998 draft plan also lay out the Park’s program for interpretation and visitor services. These portions of the plan clearly identify a strategy to communicate more to the public than just the idea that Death Valley is hot. The natural and cultural features within the deserts of the United States are showcased by national park units

such as Death Valley, Mojave, Joshua Tree, and Lake Mead. The mission of these units is to protect natural and cultural resources for the enjoyment of this and future generations.

Miscellaneous

Comment: There is a lack of vegetation data. No comprehensive overview of vegetation resources, including vegetation communities, in the Park are presented or referred to in the plan.

Response: The *General Management Plan* is not intended to be a detailed, comprehensive plan. Issues and concerns to be considered in the *General Management Plan* were gathered during scoping in 1995 and 1996. Issues did not focus on vegetation, soils and wildlife in general, but rather on specific sensitive species or habitats. In addition, exotic or alien species were also a concern.

However, this does not mean that the Park ignores these resources. In fact, considerable data has been gathered over the years on the Park's vegetation and wildlife resources by Park staff, researchers, students, and groups. Recently, an effort was undertaken to prepare a comprehensive vegetation map for the entire Mojave Desert, including most of Death Valley. The U.S. Geological Survey's Biological Resources Division has been conducting this work and reports and maps are now being finalized and should be available for the Park's use in the near future.

On page 22 of the draft plan is a brief overview of Death Valley's vegetation.

Comment: Restoring the preserve to its pre-Columbian state seems ludicrous. The area cannot be completely restored with cattle grazing still occurring. The need for restoration of vegetation and water is not strongly presented in plan.

Response: The NPS goal is to reestablish conditions that allow the ecosystem to function naturally without interference from human activities, as much as possible. We are not choosing a time period so much as working to prevent nonnative species from taking over and altering the ecosystem and out-competing native species. Where native species have been extirpated due to human causes, we will work to restore these populations. It is not our goal to "freeze" the environment in its current state, but rather allow it to function and evolve as a natural, self-sustaining ecosystem where native species thrive.

Comment: Animals belong to states and are not under exclusive jurisdiction of Death Valley.

Response: Wildlife that roam into and out of the Park are clearly under the jurisdiction of both the state and the Park Service. However, Congress clearly provided the National Park Service with a mandate in the 1916 Organic Act, by directing the Park Service to preserve the wildlife and other resources. They also reiterated in the California Desert Protection Act the mandate to preserve wildlife by affording the new Park full recognition and statutory protection as a national park. The National Park Service has long recognized the state's role in wildlife management and entered into an agreement with California in 1971 for purposes of cooperation.

Comment: The purpose of the Park is to preserve plants and animals, not to increase visitors. So what if remote guzzlers offend people.

Response: In section 2 of the California Desert Protection Act Congress specifically declares it to be their policy that specified lands in the California desert shall be included in the national park system and Wilderness Preservation System in order to: "*preserve...wildlife values associated with unique natural landscapes*, and "*perpetuate in their natural state significant and diverse ecosystems...*" The NPS mission is consistent with the state goal of preserving wildlife populations. However, it is also important to ensure

that management actions do not artificially enhance populations of one species over any other. Achieving a natural ecosystem that is self-sustaining is a long-term goal. We also recognize that human influences, historic uses, and the size of the Park in relation of the range of some species, create several challenges to achieving that goal.

Decisions regarding guzzlers in wilderness need to be made considering the health of wildlife populations and mandates of wilderness law and policy. Whether they are offensive to visitors who may encounter them is not a consideration.

Comment: What measures are thought necessary to protect a geological resource and what is actually a geological resource? The lack of details could permit abuse of discretionary power by arbitrarily closing vast areas.

Response: The Park would continue to use the same methods it has used since its establishment in 1933 to protect geological resources. Closing “vast areas of the Park” is not suggested by the draft plan nor has it ever been considered as an option by the National Park Service.

CULTURAL RESOURCES

Comment: Protection and research of the archeological resources of the Park is inadequately addressed in contrast to natural resources.

Response: We believe the proposed action in the draft plan describes a well thought out and comprehensive strategy for cultural resources management in an appropriate degree of detail for a general management plan. In addition, the “Affected Environment” of the draft plan devotes almost twenty pages to the description of cultural resources. Archeological resources are well protected by law and regulations that required specific consideration and mitigation for any projects that may affect them. Detailed management programs would be identified in the resource management plan.

Comment: Death Valley should protect archeological, cultural, and historic resources within the Park. The Park should place necessary restrictions on access needed to assist in preservation efforts.

Response: The goals of protecting all Park resources are clearly stated in the plan.

Comment: Do not transfer art and museum quality items at Scotty’ s Castle to other locations where they can’t be viewed by visitors. Keep them at Scotty’s.

Response: Not all of the historical artifacts are on public display. Items are shown to the public for their education and enjoyment. Art and museum quality items are rare and extremely valuable. They must be stored in the most secure, not necessarily the most convenient, locations possible.

Comment: There are no details on what measures are necessary to protect paleontological resources and there is no definition of paleontological resources.

Response: The plan states that more information on paleontological resources is needed and from this new information better strategies may be developed for protection, management, and interpretation of these resources. Paleontological resources are defined by academia and a definition is unnecessary in this document. Some general protective measures are identified in the plan, but specifics would have to be determined on a case-by-case basis.

NATIVE AMERICAN INTERESTS

Comment: *Death Valley failed to consult with descendants of Native Americans who resided in Panamint, Saline, and Darwin regions and who now reside in Lone Pine and Big Pine. What about the Kawaiisu tribe?*

Response: The National Park Service consulted with Native American tribal governments that were determined to be potentially affected by the proposed action. Letters inviting participation in the planning effort and an opportunity to meet with other tribal leaders and the planning team were sent to fourteen tribal addresses in mid 1997.

Comment: *No significant effort was made to establish a partnership with the Timbisha as a tribal nation. Have expanded collaborative efforts with the Timbisha regarding establishment of tribal rights to a reservation and/or concession rights near Death Valley.*

Response: The Park has been working with the Timbisha Shoshone Tribe for the last five years on the land suitability study required by the California Desert Protection Act. The draft study is complete and has been compiled as "The Timbisha Shoshone Homeland (1999)." The planning team that prepared the general management plan met with representatives of the tribe on at least three occasions during the plan development. The tribe's energy and attention was primarily devoted to the land suitability study. The general management plan does call for communication with the Tribe and development of protocols and agreements. The Park is very willing to work with the Tribe. The Park is developing a close working partnership with the Timbisha.

Comment: *There has been no final resolution on tribal lands and there are no interior guidelines regarding pinyon nut harvesting by Native Americans.*

Response: The Timbisha land suitability study, directed by the California Desert Protection Act, is a separate and distinct plan that has been under development and negotiations for four years. It is now being evaluated under the National Environmental Policy Act.

Comment: *What is Death Valley's policy on casinos?*

Response: As of this date, the Timbisha Shoshone Tribe has no land within Death Valley National Park. Should the tribe obtain land within the Park, the Park, as it does now, opposes having a casino within a national park.

Comment: *Sacred sites and trust resources should be listed before taking action.*

Response: Such sites are not presented in a public document.

Comment: *In January 1998 the Timbisha Shoshone Tribe returned to the negotiation table with the National Park Service and the Bureau of Land Management to produce a report of recommendations for a land base for the Timbisha Tribe within their ancestral homelands. The report responds to the California Desert Protection Act 705(b) of 1994 which calls for the Secretary of the Interior, in consultation with the lands suitable for a reservation within and outside the boundaries of Death Valley National Park. For the first time, government to government consultation has occurred between the Tribe and the United States.*

Response: The National Park Service fully supports the recent draft report and will work with the Timbisha Shoshone Tribe and other agencies to accomplish the provisions of the report.

Comment: P. 46 (Native American Access): The text of section 705 of the California Desert Protection Act should be stated on page 46 (Native American Access) so that the full meaning of access is understood (the page number of the California Desert Protection Act in appendix A could be cited).

Response: The text has been modified as suggested and a citation to appendix A has been included.

Comment: The Timbisha Shoshone Tribe should be consulted with for archeological survey of at-risk areas. Many of the Tribe's traditional cultural properties may be "at risk."

Response: The Park focused "At-Risk" emphasis of this particular study on areas of high Park visitor use where there were noticeable impacts on both historical and archeological features. We did not consult with the Tribe on this project to determine if there were additional sites that they wanted us to look at, primarily because of lack of money and time to look at all "At-Risk" areas. The Tribe's suggestion will definitely be part of an NPS/Timbisha Shoshone MOU agreement regarding shared management of traditional cultural and natural resource areas.

Comment: Consultation with the Timbisha Shoshone Tribe should include an inventory of archeological and ethnographic resources along the Eureka-Saline corridor to determine if roadside camping adversely affects resources.

Response: The Park would consult with the Timbisha Shoshone Tribe for assistance in determining these effects.

Comment: Explain the background behind the permit between the National Park Service and the Tribe for use of the village site.

Response: Again, this document cannot judge or correct past activities. Suffice to say that federal laws would not permit the National Park Service to allow anyone to live inside the Park on federal land without a permit.

Comment: Avoid any expansion of developed Indian lands within the Park arranging for this to take place outside the Park.

Response: The Timbisha Land Suitability Study, directed by the California Desert Protection Act, provides that the study would be conducted both inside and outside the Park. This is a separate and distinct plan that has resulted in "The Timbisha Shoshone Homeland (1999)." It is now being evaluated under NEPA and will soon be released for public involvement.

VISITOR USE, SERVICES AND FACILITIES

Interpretation

Interpretive Themes

Comment: Death Valley should present to people values of deserts and positive contributions that deserts make to both people and natural environments.

Response: Interpretive themes provide the framework for developing the interpretive materials and messages. These themes would be developed in a comprehensive interpretive plan. These themes are the

key elements that we believe the public should understand about Death Valley and they appear to also represent the diversity of habitats and visitor experiences that you believe are important to convey. Pages 69–72 of the 1998 draft plan lay out the Park’s program for interpretation and visitor services. These portions of the plan clearly identify a strategy to communicate more to the public than just the idea that Death Valley is hot. The natural and cultural features within the deserts of the United States are showcased by national park units such as Death Valley, Mojave, Joshua Tree, and Lake Mead. The mission of these units is to protect natural and cultural resources for the enjoyment of this and future generations.

Comment: The National Park Service should work with private entities on several projects that could be of mutual concern. No alternative has been suggested to cooperatively publish materials at lowered cost.

Response: The Park actively cooperates with private industry in providing information about the Park. The Park would be glad to hear your suggestion on how to save publishing costs.

Comment: The interpretation section must include the part humans in recent time, mining, and Pacific Borax played in Death Valley.

Response: The extent and diversity of minerals and their exploitation are definitely an important aspect of the Death Valley story. These stories are recognized in the plan’s purpose and significance statements and interpretive themes. Mining stories are currently being told in many of the interpretive exhibits throughout the Park. You have not indicated what you believe should be included in the proposed action regarding minerals as an element of the management plan. We believe that management of the mineral resource is dealt with through the regulation of mining, which is addressed in the plan. We also don’t feel that minerals are a component of the environment that meets the criteria for inclusion in the “Affected Environment” section of the plan.

Community Outreach and Education

Comment: The interpretation section is acceptable but an educational outreach program for surrounding communities should be included.

Response: We agree that community outreach is an extremely important aspect of the Park interpretive program. A paragraph has been added emphasizing the need for the Park to continually increase efforts to improve educational outreach in the surrounding communities. In fiscal year 2000, the Park will hire an educational outreach ranger to develop and present programs outside of the Park.

Visitor Use

Comment: The National Park Service must develop a general management plan with both current and future conditions in mind. Include an analysis of current and projected levels of visitation and use. The plan assumes that current carrying capacity is low–moderate for most areas.

Response: The Park Service believes that the proposed approach of establishing desired future conditions for resources and visitor use based on the land management objectives is a preferred approach to setting visitor use limits. However, we recognize that in some areas, limits may need to be established. Setting carrying capacities in structures, such as Scotty’s Castle, has been done and is generally accepted by the public as necessary and useful. However, when applied to outside areas, acceptance is often more difficult to obtain and enforce. Instead, measures are often taken by the Park Service to educate the public with displays or brochures, or to control impacts through use of parking lots (which can limit use), boardwalks

or other walkways, barriers and handrails, or other resource protection strategies. At Saline Valley Warm Springs, the concept of setting limits on use has been raised and should be addressed in the site management plan for the area. Specific data on visitor use and resource impacts needs to be gathered and options for controlling impacts evaluated. The National Park Service has established group size limits for backcountry/wilderness areas and a volunteer permit system.

Comment: Data on visitor trends from the United States, from California, and from foreign countries was not presented in a compatible format. The next version of the plan should provide a better-structured analysis of this data.

Response: Data from visitor surveys and visitor use statistics was used in this planning effort but there was too much detailed information to place within this document. Additional information on visitor use statistics can be obtained through the Park fee collection office or at the NPS website. Copies of the visitor studies can be obtained through the University of Idaho Cooperative Park Studies Unit, College of Forestry, Wildlife and Range Sciences, Moscow, Idaho, 83843.

Comment: What are the impacts from the 49er encampment?

Response: The 49er encampment was not raised as a planning issue in the scoping phase of this planning effort and is not considered within this plan. Attendance to this event has been gradually decreasing over recent years. The Park staff reviews proposed events to determine the appropriateness and potential impacts to Park resources, both natural, cultural and administrative. The number of events will vary from year to year. The 49ers have been a supporting organization for the Park, increasing the awareness and appreciation of the history and resources of Death Valley. Park administration always has the authority to discontinue this event if the tangible and intangible benefits from this event are outweighed by the impacts upon Park administration and resources. The Park can be contacted for more information.

Visitor Facilities

Campgrounds

Comment: In the “developed campgrounds section,” emphasis should be on native plant landscaping, and should not be dependent on water availability.

Response: The statement that landscaping would depend on water availability has been removed.

Except under unusual circumstances, exotics would not be used in NPS landscaping efforts. Some irrigation of native plants may be necessary to establish more mature plants.

Comment: Accommodation of tent campers should not be neglected. Add “priority shall be placed on tent only camping sites at all campgrounds.”

Response: A statement has been added to the plan that the Park would work to identify issues and concerns with various camp users and find ways to accommodate all types of campers, including tents, in developed campgrounds, while enhancing the visitor experience.

Recreational Activities

Day Use Areas and Activities

Comment: Provide an alternative that includes a cooperative approach to providing day use and recreational services.

Response: The section on day use provides clear language as to the reasons for limiting recreational day use activities. It also provides a process for considering new activities in light of the NPS mission and Park enabling legislation. Activities involving consumptive use of resources are at odds with the NPS mission. Parks are designed for resource conservation.

Backcountry Camping

Campfires

Comment: Consider allowing campfires in existing fire pits or in fire pans as the Mojave plan is.

Response: Death Valley National Monument had a long history of not allowing fires in the backcountry. This policy has been in place to protect Park natural and cultural resources from destruction by visitors obtaining material to burn. There is little if any compelling reason to alter this long-standing policy. However, we recognize that the public lands added to Death Valley in 1994 have had an equally long tradition of allowing backcountry campfires. The text was changed to allow the “Wilderness and Backcountry Management Plan” to consider the issue of campfires outside of developed areas. A determination on this matter will be made within that plan. Until that plan is finalized, we believe a cautious approach to campfires is warranted.

Comment: Park’s current ban on backcountry fires should remain intact.

Response: The public has raised the desire to allow campfires in the backcountry. The plan will state that this issue will be considered within the “Wilderness and Backcountry Management Plan.”

Comment: Campfires should be allowed with fuel provided from an outside source, and in those locations where fuel is abundant, use of native material should be allowed until negative impacts occur.

Response: The plan will state that this issue will be considered within the “Wilderness and Backcountry Management Plan.”

Camping Guidelines

Comment: Establish guidelines for Park visitors, indicating where they are allowed to camp based on a camping area survey and resource impact analysis.

Response: Some changes were made to this section to clarify the conditions applicable to “backpack camping” versus “car camping.” Language was added to require that car camping may only be done in previously disturbed areas. Driving off the road surface into natural vegetated areas to park is unacceptable. We believe these clarifications provide acceptable interim parameters for backcountry camping while the more specific “Wilderness and Backcountry Management Plan” is being prepared. Improvements to backcountry car-camps and other places would be made where appropriate to protect Park resources or protect visitor health and safety. Improvements to campsites would be the minimal tools needed to resolve problems.

A survey and detailed resource inventory of backcountry camping areas was not available for the general management plan. This level of detail would be addressed within the “Wilderness and Backcountry Management Plan.”

Comment: The plan should have included standards and guidelines for what is considered acceptable camping practices and how they will be considered during future planning activities.

Response: The issue of appropriate backcountry camping behavior is addressed with regulations and handouts that can be picked up at information/visitor centers or through the mail.

Dedecker Canyon

Comment: Steel Pass Corridor should be either closed or made as difficult as it was prior to the illegal bulldozing of Dedecker Canyon. Have a traffic counter. Do not allow unlimited car camping as proposed in alternative 3 for Saline Valley.

Response: We are not sure what you are referring to as “illegal” bulldozing in Dedecker Canyon. To our knowledge no such activity has occurred. The road is still a difficult four-wheel drive-only route with limited use. Trying to determine actual use would be beneficial to the management of the road.

The document has been revised to reflect that the Park will study and determine whether a section of Dedecker Canyon should be closed to camping because of possible impacts to the vegetation and bighorn sheep population and to rare plants.

Group Size

Comment: The Park should consider a higher threshold for overnight camping permits.

Response: The Park has had group size permit requirements in place for several years. The purpose of the permit requirement for large groups is to have a mechanism to address resource impacts that such gatherings may cause on Park resources and other visitors’ experience. Groups exceeding these numbers can most likely still camp in the backcountry, but they will need to get a special use permit, and may be required to camp in smaller groups. Special consideration is given to the particular circumstances of each group for which a permit is issued. The permit goal is to protect Park resources and the quality of the visitor experience. Issuance of the permit provides an opportunity for the Park to convey information to the group about special issues and concerns, road conditions, camping and fire rules, and to identify sites that are suitable in size for that particular group. The Park will implement measures to make obtaining a group permit as simple as possible. However, outings sponsored by organized groups and advertised weeks in advance should initiate a permit request at the time the trip is planned, even if the exact number of people and vehicles is not yet known. As far as setting a higher threshold for either people or vehicles, we have no evidence to suggest that another number would be any less impact on the visiting public, nor result in fewer impacts to Park resources.

Comment: On page 75 of the draft plan it states that groups of 15 people or 6 vehicles require a special use permit. There is no definition of what a group is or where this requirement applies, or what the maximum size is for a group. Will this be listed in the superintendent’s compendium?

Response: The Park has defined a group as any organized and/or coordinated event with 7 or more vehicles and/or 16 or more people and/or stock animals. The Park staff gives special consideration to each group’s proposed activity and location that applies for a special use permit. The overall management goal of the special use permit program is to protect Park resources and the quality of the visitor experience

while following such things as (but not limited to) the *General Management Plan*, current Park and NPS policies and management directives. Each special use permit application is evaluated independently within the framework of the previously stated management goal to determine if the proposed activity, level of use and location is appropriate.

Thirty Day Camping Limit

Comment: *The 30-day camping limit is not mentioned in alternative 3 as it is in alternative 2.*

Response: Alternative 3 is described at the beginning as being the same as alternative 1, except for differences noted. Camping is therefore limited to 30 days per year as addressed under “Backcountry Camping” in alternative 1.

Miscellaneous

Comment: *The National Park Service uses the term “backcountry” to refer to primitive, undeveloped portions of parks. Based on this definition, roads and cabins would be excluded from the backcountry.*

Response: The term backcountry is generally used to refer to places within the Park that are located away from developed areas such as visitor centers, campgrounds, paved roads and administrative areas. This includes wilderness areas, which are managed under current wilderness law and policies. Cabins can be allowed within backcountry areas and are managed within wilderness as directed by current cultural resource and wilderness management policies. Roads can be located in backcountry areas, but not within wilderness.

Comment: *According to page 54 (backcountry and roadside camping), would a permit be needed for day use in wilderness? A no charge backcountry permit system should be put into place to prevent further degradation of this resource. A permit should be easy to obtain without driving the vast distances of Death Valley to do so.*

Response: The Park currently has a voluntary backcountry permit system for overnight use. A permit can be obtained at the Lone Pine visitor center.

Comment: *The use of off-highway vehicles registered under the California green sticker program should be allowed in traditional backcountry areas that were included in Death Valley by the CDPA at least in the Panamint Mountains.*

Response: Only street legal vehicles are allowed in the Park.

Comment: *The final environmental impact statement should fully analyze benefits of reservation system and on-site camp hosts for heavily used areas, especially in the more remote Eureka and Saline Valleys.*

Response: There are currently no plans and no identified need for a reservation system at Eureka and Saline valleys. An on-site camp host system has been in existence in Saline Valley for many years. This is highly beneficial and the National Park Service has no plans to change this program. There is no identified need for an on-site host at Eureka Valley.

Visitor Use in Saline Valley

Airstrips

Comment: *Keep one airstrip (Chicken Strip) open for medical reasons. The Saline Valley user group was led to believe that the National Park Service would keep one open.*

Response: Options that provide for the possible retention of both airstrips were considered in the draft plan alternatives. All public input received on these options was considered. The current plan is to close all airstrips except the Chicken Strip airstrip. This airstrip will be reviewed for retention or closure as part of the site plan. The record of decision on the impact statement will document the final decision.

Comment: *Keep both airstrips open for safety, access, to allow search for lost persons, minimal environmental effects, and for ease of access for recreation.*

Response: While we recognize the convenience of an airstrip in the event of an emergency, the likelihood of an aircraft being onsite at the specific time of need is questionable. Many areas of the Park exist without an airstrip and emergency services are provided. Emergency access by ground during hazardous and foul weather is sometimes more feasible than by aircraft access. Aerial searches are routinely conducted in many areas without support of landing strips in the Park. This type of activity would be better supported out of a full service landing strip with fuel. While your argument about impacts is acknowledged, the fact remains that the vast majority of visitors would continue to access the area by roads.

Comment: *The airstrips in Saline are an asset and do not detract from the area. They enhance it for most people.*

Response: We acknowledge and respect your opinion on airstrips; however, public opinion is not unanimous regarding their detracting. Several comments were also received during this planning effort questioning the need for the airstrips and citing their distraction to this wilderness setting.

Comment: *The National Park Service must sign or file an application for sanctioning an airport: (1) define standard of expected pilot experience and skills for operations on both airstrips (2) define maintenance structure for airstrips (3) file FAA form #7480-1.*

Response: If the final decision on the General Management Plan results in the retention of any airstrips in Saline Valley the Park Service would follow both FAA and NPS regulations in designating the airstrips.

Alternatives

Comment: *Alternative 1 is unacceptable to most, if not all of the current user community. Developing a parking lot, closure of both airstrips, and prohibition of roadside camping are contrary to the mandate to preserve the area in the condition when the California Desert Protection Act was passed.*

Response: The legislative mandate is to manage the Saline area as part of the national park system. We are unaware of any legislative mandate to keep Saline Valley as it was when the act passed. The proposed action has been modified to indicate that a site management plan would be prepared for the area.

Buffer Zones

Comment: “Sec. 103 (d) no buffer zones” is not quoted in the plan. The National Park Service cannot treat Saline Valley like a buffer area. The few 100 acres around springs should not be considered for full restoration, but keep human impact to a minimum.

Response: Section 103 of the California Desert Protection Act applies only to the Bureau of Land Management’s designated wilderness areas created by Section 102.

None of the alternatives suggest that the Saline Valley Warm Springs area is part of a wilderness area. Restoration, future development, resource protection, etc. are all issues that would be addressed in detail in the site management plan.

Camping Area

Comment: Define a “camping district” (an area within the wilderness boundary that currently shows evidence of camping use) to stop the spread of areas used for camping. Visitors would be allowed to camp anywhere within its boundaries.

Response: Input such as this would be solicited by the Park in the development of a site specific management plan.

Comment: Change car camping sites in alternative 3 to car camping area and extend the current stay limit from 30 days to 45 days. Would it be possible for the Park Service to establish two types of camping areas, one with a 30-day limit and one for 3–4 months?

Response: The National Park Service believes that the current 30-day camping limit provides for an ample time to enjoy the Park and assures all visitors an opportunity to camp within the Park.

Comment: What will happen when all the designated campsites are full?

Response: There are other appropriate areas to enjoy camping, both within and outside the Park.

Costs

Comment: Alternatives 1 and 3 show amounts budgeted for improvements at the Warm Springs Area, which are more than all the money spent to date at the warm springs by private individuals.

Response: The estimated costs for new facilities at Saline have been removed. Until such time as the site management plan addresses these issues, discussion of proposed facility development has been removed. However, we recognize that building facilities, such as restrooms, to health and safety standards would be more expensive than what has been done historically at this site.

Future Site Plan

Comment: The level of detail is beyond what is required in a general management plan. Address specific issues in site specific plan. Include resource and cultural protection, environmental restoration, limits on public use, and cooperative management with the user group.

Response: The list of suggested site plan details for Saline Valley visitor use in the draft plan has been removed and replaced with a list of issues, concerns, and resource protection goals to be addressed by the plan. Additional data collection regarding the local environment and visitor use needs to be completed

before the plan is to proceed to that level of detail. The basic issues to be addressed include: public health and safety; protection of natural and cultural resources including sensitive species protection; exotic species; visitor use levels within existing number of spas; and the quality of the visitor experience for all visitors who come to this place. The plan will state that the long-term goal/vision for Saline is to be managed according to Park and NPS management objectives along with those developed by the site management plan.

Comment: Consult with general public in drafting a management plan for Saline Valley and set up a framework where user groups are prevented from a disproportionate level of influence. Use the NEPA process.

Response: Management goals were identified on page 76 of the 1998 draft plan. Additional wording has been added to further clarify management goals. The future site plan for the Saline Valley Warm Springs will place an emphasis on “natural, cultural resources protection, and environmental restoration.” Wording in the revised draft plan was changed to indicate that the management plan would be developed with input from all interested members of the public, not just user groups. The NEPA process will be used in this plan.

Comment: A detailed site plan should begin as soon as possible. Plans should follow current management and should be a partnership with the National Park Service, as defined by a memorandum of understanding.

Response: The National Park Service fully agrees with this comment.

Maintenance

Comment: Composting toilets might work but any toilet requiring regular pumping/emptying would be a problem. How do you get a septic truck through when the roads are flooded or the passes are blocked with snow?

Response: Vault toilets were installed in 1999. These seem to be currently working well.

Management

Comment: Identify management goals for Saline Valley campground.

Response: Management goals were identified on page 76 of the 1998 draft plan. Additional wording has been added to further clarify management goals. The future site plan for the Saline Valley Warm Springs will place an emphasis on “natural, cultural resources protection, and environmental restoration.” Wording in the final plan was changed to indicate that the management plan would be developed with input from all interested members of the public, not just user groups. The NEPA process will be used in this plan.

Comment: The Saline Valley area needs to be regulated according to resource protection goals, not user groups. The plan should clearly indicate its management direction towards restoration and protection of this area.

Response: The NPS mission is to protect Park resources and provide for their enjoyment in a manner that leaves them unimpaired for future generations. Specific programs for achieving this mandate in Saline Valley will be included in the future site plan.

Comment: Do not manage Saline Valley as wilderness. It is part of the 5% that is meant for other uses. Leave it open for users who have demonstrated a willingness to take responsibility for the springs.

Response: Much of Saline Valley is wilderness. The area immediately around the springs is nonwilderness.

Comment: *Current users of the springs have introduced nonnative species and routinely add bleach to the waters. Hot tubs have been built. Changes have disrupted the natural flow of waters to the spring area. Camping should be limited and enforced in Saline Valley. Unregulated camping is causing damage to vegetation in a widespread area surrounding the lower springs. No additional hot tubs or spas should be built and reduce the current number.*

Response: No additional hot tubs are being allowed. The issue of nonnative species is of concern to the National Park Service. These matters will be appropriately addressed in the site plan.

Preserve Historic Conditions

Comment: *Cultural and natural resources restoration should be limited to preserving the springs area in the condition as it was, when made part of the Park for the historical and cultural protection.*

Response: Cultural resource protection issues would be addressed during the site management planning. Cultural issues may include contemporary use, historic use, pre-historic use, preservation of historic and archeological resources, and recognition of Native American values and traditions. The challenge of the plan will be to balance the desire for public use with the mandates for resource preservation.

Public Input not Considered

Comment: *Alternative 1 is not acceptable. None of the suggestions by user groups are endorsed as the preferred alternative. The National Park Service has modified their input to conform to prejudices instead of attempting to implement the desires of the public.*

Response: The National Park Service heard suggestions from the user groups, such as the Saline Preservation Association, and have incorporated those suggestions into either alternative 2 or 3. As was discussed at the General Management Plan public meetings, there are also other public opinions to be considered and NPS compliance with legislative and legal mandates for resource preservation, public health and safety and other considerations. A management plan for this area would have to consider all these issues.

Roads

Comment: *Change: “Vehicle access to the springs would be restricted to defined roads” to read “Existing roads”—roads in Lower and Palm Spring area that don’t appear on maps but have been used for decades.*

Response: As part of the data gathering effort prior to the development of the site management plan, detailed mapping of existing disturbance and resources would be undertaken. Retention or restoration of each existing road in the springs area would be considered during that planning effort.

Comment: *What was the reason for the partial closure of Artesian Road? This road should be available for use because of the availability of water and it is not as rough as the northern access. Maybe just have seasonal closure of the road during bad weather.*

Response: Part of the Artesian Road was limited to foot or stock use by the California Desert Protection Act and the Wilderness Act.

Comment: *Inyo County should continue to maintain the roadway.*

Response: The National Park Service is not aware of any proposal to change this.

Comment: *Do not close roads, such as Lippincott Mine Road, which have been open for decades.*

Response: The National Park Service has no plans to close the Lippincott Mine Road. In fact, NPS crews and rangers recently spent a considerable effort on the maintenance of this road.

Upper Springs Fence

Comment: *Remove the fence (BLM-installed) surrounding upper springs as soon as the burro population is at a point where they cannot overgraze the area. Other commenters state that the fence should remain to prevent burros until burros are eliminated, that camping should be prohibited 1/4 mile from Upper Springs, and that no maintenance/improvement of the road should be allowed.*

Response: While we don't know the history of the fence, we generally agree that fencing of springs should not be done unless there is a compelling reason. The Park will investigate the need for this fence and if it is not necessary, it will be removed.

Visitor Use Trends

Comment: *Projections of visitation are not accurate. The number of visitors has been shrinking.*

Response: The projections of increased visitation to the Saline area are based on historic trends that show visitor use has continued to grow. They also represent what we believed the user groups were telling us, that information advertising the springs, such as the article you identify, would result in more and more visitors. As we discussed at the public meetings, if visitation continues to grow, at some point the carrying capacity of the area would be exceeded. In developing the site management plan, accurate visitation trends would need to be determined, and issues of how to deal with management of large crowds on popular weekends addressed.

Native American Use

Comment: *The Timbisha Shoshone Tribe has traditionally used Saline Valley. The impacts of constructing a parking lot are not addressed nor does it address a plan for Native American access to protect privacy of activities.*

Response: Alternative 1 calls for the development of a site-specific plan for the Saline Valley that emphasizes protection of cultural and natural resources and environmental restoration. The bulleted list on page 76 of the 1998 draft are items that "may be included" within that plan. That plan will undergo public review and comply with all laws pertaining to natural and cultural resources and public involvement. Access for traditional cultural and religious activities by Indian people as provided for in Section 705 of the California Desert Protection Act could be considered during the site management plan development, or may be addressed on a case by case basis by the superintendent upon receipt of a request.

Miscellaneous

Comment: *There is no mention of the culture that exists at the warm springs—cleanliness, low cost of maintenance currently being paid for by users' donations.*

Response: Additions to the "Affected Environment" have been made.

Comment: Contain impacts so that the surrounding wilderness area receives appropriate legal protection and find a way to limit use of the springs so that popular periods do not get overcrowded. Have a staff person at the entrance road to enforce this limit.

Response: Management goals were identified on page 76 of the 1998 draft plan. Additional wording has been added to further clarify management goals. The future site plan for the Saline Valley Warm Springs will place an emphasis on “natural, cultural resources protection, and environmental restoration.” Wording in the final plan was changed to indicate that the management plan would be developed with input from all interested members of the public, not just user groups. The NEPA process will be used in this plan.

Comment: Concerned that the draft plan, as published, does not recognize the Saline Warm Springs area as a “designated campground.”

Response: A statement has been included regarding consideration of camping as an issue in the site management plan.

Hunting

Comment: The hunting issue was also raised for Death Valley. The superintendent has authority to allow hunting within the Park under certain conditions. Allow for chukar hunting since it's an exotic.

Response: The issues raised by the public regarding hunting were in regard to Mojave National Preserve and BLM lands. Hunting is not allowed in Death Valley National Park. Congress fully recognized that the expansion of Death Valley and designation as a Park, would eliminate hunting opportunities. This was an affirmative choice they made. Within the same act, they chose to allow continuation of hunting in the Mojave, by designating it a “preserve,” and providing for hunting in the law. They clearly understood the difference and made an informed choice.

Visitor Use Fees

Comment: What are the estimated revenues derived from fee collection efforts? Are they self-supporting? Does the Park keep all of the fees? Is the proportion of added staff needed to increase the fee collection a component of alternative 1?

Response: The current recreational fee demonstration program that was initiated by Congress currently allows for the Park to retain 80 percent of the entrance and recreational fees that are collected. In 1998, Park staff estimated that 20–21 percent of the 1,200,000 annual visitors paid an entrance fee. If the Park was able to collect fees from a larger percentage of an estimated 1,200,000 annual visitors at \$10.00 per vehicle, the Park would be able to retain more funds for Park improvements and visitor programs per year. The fee collection program is self-supporting. This level of detail is not included within this plan but is being handled at the Park administrative level.

Comment: The Park is going to barricade Highway 190 and /or 178 and charge all passers a fee. This is unacceptable because of commerce use. Discussion of using third party participation is encouraging. Local residents should not be charged a fee when they have to go through Death Valley.

Response: The Park has not suggested and has no plans to barricade highway 190 or 178. Fee stations and information stations would be installed where fees would be collected. The public using highway 190 for thoroughfare through the Park rather than recreation will not be charged an entrance fee.

Comment: Consolidate rules and fees. Streamline fee collections. Most fees should stay in the area. Free pass through permits should be issued for Inyo residents. CFR 71.13 guarantees separate exceptions and exclusions.

Response: Fee collection and retention are programs performed under congressional direction and federal laws that are very specific on the collection, retention and use. Death Valley is a participant in a congressionally mandated fee demonstration program that provides for 80 percent of the recreational fees collected in the Park to be kept and used on projects in the Park. Recently the NPS entered into a national partnership with the National Park Foundation to sell Park Passes. These passes provide admission to all NPS units for an annual fee at \$50. The Park retains 70% of those funds.

Comment: Rather than an entrance fee, a parking permit fee should be required, as does the Forest Service. Permits could be sold through mail or at local businesses, not at expensive entrance stations that have limited hours.

Response: As stated in the draft plan, the Park would continue to explore alternative methods of fee collection, including by third parties. Alternative methods of verifying payment of entrance fees would also be considered. Entrance stations are being considered, both to collect fees, but to also serve as a point of contact and information distribution as visitors enter the Park. We believe these stations can serve both fee collection and enhanced visitor information and enjoyment.

Comment: The National Park Service should not charge a fee for merely passing through the Park on county or state built or maintained roads (36 CFR Ch. 1, part 71, sect 71.13 (b)). Fees should not be charged for visitors accessing remote backcountry areas with no significant developed facilities.

Response: The public using highway 190 for passage through, rather than recreation, are not charged an entrance fee. Congress provides the criteria under which the Park Service collects entrance fees. The presence or absence of developed facilities is not a criterion. Fees for the use of developed facilities, such as campgrounds, does vary depending on the facilities present. These fees are in addition to the entrance fee.

Commercial Use and Services

Commercial Filming

Comment: Uphold strict wilderness standards when issuing filming permits. Filming is not allowed in wilderness.

Response: Categorically rejecting any opportunities for commercial filming or other commercial services in wilderness does not seem appropriate. There may be projects that promote wilderness awareness and other Park values where allowing such uses would have tremendous benefits to wilderness protection. Consideration of wilderness values in the review of filming permits is appropriate and will be done.

Road Testing

Comment: Deny requests for road testing.

Response: The Park does not have the jurisdictional ability to prevent vehicle testing on State Highway 190. Vehicle testing is currently regulated under the special use permit program which protects and

preserves Park resources and the visitor experience through disallowing permit requests or placing conditions upon allow activities.

Buses

Comment: Require permits for bus tour operators within the Park. State this in the general management plan or compendium.

Response: Clarification has been added to the plan that all commercial businesses operating within the Park are required to obtain an incidental business permit for all activities off of Highway 190. Tour buses are charged an entrance fee each time they enter the Park. The fee is based upon the seating capacity of each bus.

Concessions

Comment: Keep expansion of Park visitor accommodations outside the Park boundaries and do not expand developed campgrounds. This limitation must also apply to all existing private concessioners within Death Valley.

Response: This comment seems to support the action proposed. Concessioners cannot expand operations in the Park without NPS approval. It should be noted that the Amfac operation at Furnace Creek and the Panamint Springs operation are not concessions, but private inholdings. Visitor use statistics show a 26% reduction in RV use at campgrounds between 1979 and 1995. This proposed action calls for a reduction in the number of RV campsites at Sunset campground, the largest campground in the Park.

Comment: The plan should provide for a concessions management plan in the list of future planning efforts on page 51.

Response: Although no major future development is proposed, the potential acquisition of the Furnace Creek and Panamint Springs developments from willing sellers may create a situation where large scale commercial services are overseen by the Park Service. Existing concessions activity exists at Stovepipe Wells and Scotty's Castle. In addition, other commercial services may be desirable to provide visitor services. We agree that a plan should be prepared to encompass commercial activities in the Park, including concessions. A commercial services plan has been added to the list of future planning efforts.

Miscellaneous

Airstrips

Commercial Aviation

Comment: Do not allow continued access to either Saline Valley or Furnace Creek by either commercial or private aircraft. Ban commercial aviation into Death Valley airspace permanently.

Response: An alternative is included that would permanently eliminate airstrips within the Saline Valley. The proposed action calls for the review of the appropriateness and safety of the Chicken Strip airstrip as part of the Saline Valley site plan. The Park believes the airstrip at Furnace Creek has value to its operations, as well as serving the public. The Park has no authority to limit commercial airlines from flying over the Park at this time. The Park Service is presently working with the FAA to develop national standards for commercial overflights in NPS units.

Saline Valley

Comment: Keep one airstrip (Chicken Strip) open for medical reasons. Saline Valley user group was led to believe that the National Park Service would keep one open.

Response: Options that provide for the possible retention of both airstrips are considered in the draft plan alternatives. The current plan is to close all airstrips except the Chicken Strip airstrip. This airstrip will be reviewed for retention or closure as part of the site plan. Additional public input can be made during the No Action Period on the impact statement. The record of decision on the impact statement will document the final decision.

Stovepipe Wells

Comment: Close the airstrip at Stovepipe Wells to all but essential Park business. No private or commercial flights should be allowed.

Response: The current proposal in the final plan calls for removing pavement from the Stovepipe Wells airstrip and providing only a gravel surface. This will substantially reduce maintenance costs for the Park.

GENERAL DEVELOPMENT CONCEPTS

Stovepipe Wells

Comment: The development concept plan for Stovepipe Wells is not mentioned in the “Future Planning” section. Upgrading the campground and visitor center is unclear.

Response: There is an existing development concept plan for Stovepipe Wells that was prepared in 1980 and updated in 2000. Some suggested changes were provided in the 1998 draft plan on page 73.

SOCIOECONOMICS

Water Rights

Comment: The plan fails to discuss the impacts of water resources policies on local residents, businesses, and government. Implementation of policies has resulted in significant cost burdens to Nye County. The National Park Service has protested water rights applications.

Response: The National Park Service does not knowingly take any action that results in direct impacts to non-NPS lands outside our boundaries. However, given our mission to preserve and protect Park resources, the Park Service does actively participate in local, state, and other federal permitting processes that allow entities that may be affected by an action to comment and testify regarding those effects. Our actions to identify possible effects on Park resources are undertaken in the same manner that any other concerned citizen, organization or agency would take to prevent adverse effects to their property. Park Service activities related to water management are following the laws and policies of the state of Nevada.

The National Park Service believes that water conservation and protection of aquifers is important to the economy and quality of life in the area.

Loss of Public Recreation Lands

Comment: The loss of public recreation lands has not been addressed in the context of the bigger picture.

Response: We are not proposing any development of lands in the alternatives. Public recreation lands have not been lost. The expansion of Death Valley and Joshua Tree, the creation of Mojave National Preserve, and the designation of wilderness in parks and on BLM lands, was seen by Congress as a positive step to preserve these lands for this and future generations. The creation of the parks and wilderness areas was an act of Congress and not an action resulting from this planning effort.

Socioeconomic Study

Comment: Any socioeconomic study needs to objectively be done looking at both positive and negative benefits, and needs to include governments, cities, industries and people of the California and Nevada region. Have a broad based citizens advisory committee.

Response: A socioeconomic report was prepared under contract as a component of this planning effort and is referenced on page 157 of the 1998 draft plan. Copies of this report were made available at the time the draft plan was released.

Comment: Socioeconomic description should be held out for rewriting.

Response: In order to have consistency in the descriptions of all communities covered in the socioeconomic analysis, the best standard for information was the 1990 census. The socioeconomic information in the draft plan is not complete; additional information was available in a separate report identified on page 157 and 185 of the 1998 draft plan. A private consulting firm provided more information on current and projected socioeconomic conditions of communities. Because of the broad nature of the scope of this plan, the socioeconomic aspects were typically kept to the same level of detail. The consultant was not required to define every aspect of each community, only those communities and the aspects that could be significantly affected by the proposed actions of this plan.

ROADS AND CIRCULATION

Carrying Capacity

Comment: The carrying capacity of each road needs to be determined in the general management plan or the road management plan. Any limitation other than the number of vehicles should be based on a percentage of the established carrying capacity.

Response: Where overuse on a particular road becomes an issue and resources or the visitor experience are suffering, data would be analyzed to determine appropriate and reasonable limits on public use. Setting limits on organized events that may impact the system, due to number of participants or type of activity, seems to be a very reasonable and rational approach to protecting resources and visitor experience.

Closed Routes Signed

Comment: There is inconsistency in the plan regarding roads. The plan states that paved roads and recognized dirt roads are open unless closed and backcountry roads and trails are closed unless signed open.

Response: Most of the roads listed do not have official names, which leads to confusion over which road or road section is actually being referred to. Some roads were closed or partially closed by wilderness designation to mechanized or wheel vehicles but remain open to other types of access. The Trails Illustrated and Tom Harrison maps that are available at many local businesses and in the Park serve as good guides for determining which roads are open for vehicle use. You are welcome to meet with Park staff and review maps together to clarify any questions on the status of vehicle use on Park roads.

Comment: The plan should state whether or not commercial vehicles are prohibited from using county roads in expanded areas of the Park. There are no signs prohibiting commercial vehicles.

Response: No commercial vehicle through traffic is allowed on roads other than Highway 190. Inyo County has historically maintained some of the roads that were added to the Park in 1994 by the California Desert Protection Act. Some of these roads may have valid rights-of-way or easements providing for public access and use. However, these have not yet been determined.

Definition

Comment: The plan does not define what a road is. The public needs to understand where motorized vehicle use is and is not allowed such as in washes.

Response: 36 CFR 4.10 (a) “Operating a motor vehicle is prohibited except on Park roads, in parking areas and on routes and areas designated for off-road motor vehicle use.” U.S. Code, Title 23, section 101 defines a Park road as: “The term “park road” means a public road, including a bridge built primarily for pedestrian use, but with the capacity for use by emergency vehicles, that is located within, or provides access to, an area in the national park system with title and maintenance responsibilities vested in the United States.” Any further definition(s) will be deferred to the backcountry and road management plans. At this time, washes are not to be driven in, except where a road that is recognized for vehicle use, leads into and out of the wash, and the wash is part of that designated travel route. Visitors can get information on open travel routes by looking on some Park road maps that are available at visitor information centers and other locations.

RS-2477

Comment: The plan fails to rigorously explore alternatives concerning RS-2477 under NEPA.

Response: The National Park Service is neither refusing to recognize, nor acknowledging, RS-2477 rights-of-way in this document. Roads not affected by wilderness designation are open to motorized travel; those closed by Congressionally designated wilderness are not open to uses prohibited by the Wilderness Act. Anyone who feels that Congress has erred in the inclusion of certain roads in wilderness will have to pursue actions outside the National Park Service’s authority. This is not a planning issue that can be resolved by creating alternatives.

Comment: The statement on page 48 is in disagreement with RS-2477 where it states “RS-2477 was repealed when FLPMA was passed on October 21, 1976.” FLPMA provides for a new mechanism for

granting new rights of way and does not invalidate thousands of grants previously made valid. The National Park Service cannot consider any RS-2477 application because (1) the holder has no obligation to seek approval (2) the National Park Service lacks authority to determine validity (3) the courts have that authority.

Response: The section on page 48 of the 1998 draft plan does nothing to interfere with valid RS-2477 rights-of-way (ROW). It simply states the National Park Service is without authority to consider such assertions while the departmental moratorium is in place. However, a right-of-way asserted under RS-2477 is not automatically assumed to be valid. Regardless of the validity of an assertion, the National Park Service still retains authority for reviewing and permitting activities on the roadway.

Comment: *The Park's decision to not address RS-2477 assertions is not acceptable. The term "route determinations" should be replaced with the term "assertions."*

Response: RS-2477 assertion determinations are not planning decisions. Assertions will be dealt with through a process provided by the Department of the Interior or through legal remedies. Section 305 applies only to valid existing mineral rights obtained under the various mining laws. However, section 708 does ensure private landowners adequate access for reasonable use and enjoyment of property.

Comment: *The plan should have listed all the rights-of-way within the new boundaries. How will the National Park Service deal with those that are already recognized? State Route 190 is an RS-2477 right-of-way, but has it been officially recognized by the Bureau of Land Management or the National Park Service?*

Response: The National Park Service recognizes the need to further research the validity of various rights-of-way within the Park.

Comment: *If the National Park Service is refusing to recognize the rights-of-way as a matter of agency policy, then the plan must have an alternative which addresses the impacts of such refusal or recognition.*

Response: The National Park Service is neither refusing to recognize, nor acknowledging RS-2477 rights-of-way in this document. Roads not affected by wilderness designation are open to motorized travel; those limited to foot and horse use by Congressionally designated wilderness are not open to uses prohibited by the Wilderness Act. The National Park Service does not have the authority to change decisions made by the Congress.

Inventory Roads

Comment: *The plan needs to include a complete and accurate inventory and map of the travel ways in the preserve and address which of them will be available for use by public and by what manner.*

Response: This level of detail is inconsistent with current NPS wide direction for general management plans to focus on long term, desired resource conditions and visitor experiences (Park Planning Directors Order #2). We believe that the plan's management philosophy statement on page 80 of the 1998 draft plan addresses this, as does the desired future condition statements. The Park's implementation plans will address this level of detail. The Park and other retail outlets have roadmaps for sale that provide information on roads that are open for use. These road maps provide the best information using current information. An inventory would be a component of the Park's road management plan. Generally, the level of maintenance of existing open roads is not likely to change. Closure of roads is not anticipated at this time, but could be done if needed to protect Park resources or visitor safety.

Death Valley publishes a daily report. This report lists current weather and road conditions. The Park attempts to get private vendors to depict information about the Park correctly on maps that they produce and usually has success. The Park and other local merchants sell maps that contain good information on road conditions, i.e. which roads are maintained and which are not.

Jurisdiction/Use

Comment: There is no mention in the plan about who has jurisdiction over other Inyo County roads besides Saline Valley Road.

Response: All roads located in the Park are under federal ownership and jurisdiction with the exception of State Highway 190, which is managed as joint jurisdiction with the state of California. Joint jurisdiction allows for commercial vehicle through traffic on Highway 190. No commercial vehicle through traffic is allowed on roads other than Highway 190. Inyo County has historically maintained some of the roads that were added to the Park in 1994 by the California Desert Protection Act. The Park will work with Inyo County to develop cooperative agreements to provide for continued maintenance of some roads in the Park by the county.

Paving/Upgrading

Comment: No new roads. Include backcountry dirt and 4WD roads as well as paved main roads.

Response: The Park has no specific plans to pave additional sections of Park roads and funding for such endeavors is unlikely. The road leading into and through the north end of Eureka Valley is outside the Park boundary and has been partially paved by Inyo County. The Park will consider paving the final 7 miles of this road if and when Inyo County paves the remainder of the road.

Range of Alternatives

Comment: The General Management Plan still needs to outline a range of management alternatives. For roads in the Park, consider closure of roads that closely parallel other more widely used roads. Inventory the existing road network.

Response: Death Valley is now 95% wilderness and the remaining roads outside wilderness are currently believed to be appropriate for public, administrative, and emergency access. No road closures are proposed at this time. However, a road inventory is being done in conjunction with a road management plan.

The proposed action alternative in the 1998 draft plan called for a review of the realignment of Highway 190 through Stovepipe Wells. This is the only road management action that is needed to be resolved at the general management plan level. Road management is directly related to Park resources in that they allow visitors to gain access to or experience the resource. The inventory, maintenance standards, and use status of Park roads will be examined within the road management plan. The 1998 draft plan identified road management philosophy on pages 39, 40, and 80 that will guide these future activity level plans.

Signs

Comment: All areas with sensitive natural or cultural resources should display prominent signs detailing the site's significance as well as prohibiting resource disturbance.

Response: We do not agree with the suggestion to prominently sign all sensitive natural and cultural resources. Signing alone would not alleviate the need for Park patrols. In fact, just the opposite may occur. Signing can highlight resources and attract intentional vandalism. Also, the preferred strategy identified in the proposed action limits the number of signs within the Park. This limit is a way of encouraging self-discovery and reducing the presence of human intrusion. Where signing is determined to be necessary and most appropriate they will be used.

Trails

Comment: Development of the proposed Panamint Crest Trail is questionable because of its possible infringement on habitat of bighorn sheep. Monitor the range of bighorn sheep.

Response: The proposed Panamint Crest Trail has been dropped from consideration.

LANDOWNERSHIP AND USE

Park Boundary and Authorized Acreage

Comment: The decision to not consider Park boundary and wilderness boundary issues under landownership and use is not acceptable. The statement on page 81 about “scrutiny and public debate” is not true.

Response: NPS criteria for examining potential boundary modifications in a general management plan are done with the purpose of adding lands with significant resources or opportunities or that are critical to fulfilling the Park mission. To create a boundary change proposal to exclude a mine from the Park or from wilderness to allow its development would not fit the NPS criteria for boundary adjustments.

Comment: The northwest boundary of the Park should be restored to the east side of Saline Valley Road instead of its current boundary, west of San Lucas Road. This affects a historic cattle ranching operation.

Response: Congress, through the political process, determined the Park boundary. The National Park Service made no recommendations regarding the location of Park boundaries and has no authority to move a boundary as you suggest.

Comment: The statement on page 21 of the draft plan that "the National Park Service believes a comprehensive examination of potential boundary modifications at this time is unwarranted" is incorrect. The closure of roads and trails after the California Desert Protection Act which is contrary to the act's requirement to preserve these lands "in the condition in which they existed when the act was passed.

Response: The only roads and trails that have been limited to foot and horse usage in the Park since passage of the California Desert Protection Act are those affected by congressionally designated wilderness. There is no legislative mandate to preserve the lands in the condition they were when the act passed. The mandate under the Desert Protection Act is to manage Death Valley as a unit of the National Park System.

Wilderness

Access

Comment: The plan must state that the National Park Service is subject to NPS management policies which states that use of motorized/mechanical equipment will not be allowed in wilderness.

Response: This statement is clarified to indicate that ranchers would normally be required to access wilderness on foot or horseback, similar to other users. However, certain situations may exist where motorized access is necessary to maintain range developments. These types of access could be considered under section 708 of the California Desert Protection Act that provides for adequate access and reasonable use and enjoyment to owners of nonfederal lands or interests that lie in wilderness. A minimum tool determination would be used prior to granting approval for motorized/mechanical equipment use within wilderness. Death Valley National Park will follow the Wilderness Act, and the California Desert Protection Act in the administration of the Park's wilderness areas.

Comment: The National Park Service and the California Department of Fish and Game should jointly examine the use of and need for developed water sites and develop a program for maintaining or dismantling developed water sites. Develop a program to allow motorized access to maintain or replenish developed water sources.

Response: The Park would welcome the assistance and expertise of the Department Fish and Game in examining the use, maintenance, or removal of developed water sites. Motorized access to sites in wilderness would be considered extraordinary and would not be routinely allowed unless unusual circumstances warranted it. These instances would be considered on a case-by-case basis consistent with the Wilderness Act, and nothing in the California Desert Protection Act provides any additional authority. In fact, each water development in wilderness would have to be examined in light of the restrictions in the Wilderness Act on structures and installations.

Comment: Alternative 1 does not adhere to the minimum tool concept regarding granting access to guzzlers in wilderness because it does not establish basic guidelines for granting requests. Access should be by foot/horseback.

Response: Access to guzzlers for general maintenance and inspection is permitted via foot or horseback. Where guzzlers are deemed necessary for the protection of wildlife, and imported water or major repairs are needed, then motorized access may be requested. These instances would be reviewed individually using the minimum tool analysis. There would be no blanket access issued for these types of activities. The proposed action identifies a strategy for restoring natural sources of water and eliminating artificial sources wherever possible.

Comment: Based on RS-2477 and section 705. Native American uses and interests (a) access, there should be no reduction in access for traditional cultural and religious purposes by Native Americans as a result of the General Management Plan.

Response: Sec. 705(a) of the California Desert Protection Act ensures Indian People access to wilderness and Park areas for traditional cultural and religious purposes. This section does not discuss motorized access. The Park would consider the appropriateness of the type of access and possible public closure request in light of the specifics of the activity. The request would be reviewed under the minimum tool concept as are other wilderness access requests, including those of Park staff and researchers.

Comment: The plan does not explain the criteria for which access in wilderness would be granted for inholders. The final plan should outline regulations and standards the National Park Service will use to administer access rights.

Response: Adequate access should only be addressed based upon a specific landowner request for a particular type of use. Trying to anticipate each type of access need and pre-establish grounds for approval is impractical. Each access request would be reviewed with the “minimum tool” philosophy as a guideline and mandates. Any request for mechanized access that crosses designated wilderness and was not recognized by Congress as an excluded road corridor, requires a permit from the superintendent.

Comment: Include statements in the carrying capacity, paved and graded roads section on page 39, that roads are a legitimate means of access to private inholdings and valid existing rights.

Response: This may be a true statement for non-wilderness roads. However, where roads are now in wilderness, the National Park Service must consider landowner requests for access in accordance with section 708 of the California Desert Protection Act and the Wilderness Act. “Adequate access” for “reasonable use and enjoyment” under the Act does not automatically provide for motorized access. Adequate access would depend on the use intended.

Comment: Wilderness areas are essentially accessible to only a select few: those who are in exceptional physical condition and can backpack, or those who can afford or who can justify helicopter or other approved means of access.

Response: Wilderness is available to everyone to enjoy—either on foot or horseback. The agency managing wilderness cannot use mechanized equipment in wilderness, except under very limited conditions.

Helicopters are not allowed to land in wilderness, except under emergency or other extreme circumstances.

Backcountry Cabins

Comment: Impacts of backcountry cabins should be closely examined, especially in wilderness. Inventory and evaluate all of them on their merit and determine if and how they achieve wilderness management and cultural resource protection objectives.

Response: The proposed action in the general management plan provides an interim management strategy until a survey of existing structures and a determination of their cultural value is completed. The Park is preparing a “Wilderness and Backcountry Management Plan” that will include an inventory of existing structures and their historic significance. This plan would follow existing laws, regulations and policy regarding recommendations for the retention of various structures within and out of wilderness. Current cultural resource policies and regulations will also be considered along with those associated with wilderness management.

The following statements from the NPS Management Policy on shelters in wilderness are included in Alternative 1, under Backcountry Cabins:

“...facilities located in wilderness will be limited to the types and minimum number essential to meet the minimum requirements for the administration of the wilderness area...”

“The construction or reconstruction of shelters for public use generally will not be allowed, since wilderness users should be self-supporting in terms of shelter. An existing shelter may be

maintained only if the facility is necessary to achieve wilderness management objectives or cultural resource protection objectives.”

Boundaries and Maps

Comment: The plan needs to provide for demarcation of wilderness boundaries. Wilderness boundaries should be mapped. The planning process should not decide where to interpret wilderness boundaries. Congress has made that decision. The boundaries should be included as an appendix.

Response: Wilderness boundary interpretations from the legislative (S-21) maps have been made and the Park staff are now verifying these locations on the ground. These determinations are included in the draft plan. The legal description of the Park’s wilderness boundaries is complex and has not begun. Developing the legal description for the much simpler Park boundary took over one year to complete. Having specific legal descriptions for wilderness is not a necessary component of the general management plan. The general management plan provides a broad management framework for the Park and as such none of the decisions required the specifics of a legal description. The Park is committed to completing this process as quickly as possible.

The wilderness boundaries were included on the map on page 57 of the 1998 draft plan. The wording has been modified to more accurately reflect the wilderness boundary mapping process.

Comment: Ongoing wilderness mapping and road closures leaves the public frustrated and confused. The Trails Illustrated, Tom Harrison maps, as well as the BLM Panamint Desert Access Guide give conflicting information on open/closed roads and do not provide any indication of wilderness vs. nonwilderness areas.

Response: Conflicting information on private maps has resulted from attempts to provide information to the public before the wilderness mapping process was complete. This is unfortunate, but without these maps, no information would yet be available for general use by the public because of the complexity of the wilderness mapping. The Park is working to mark (and remark as signs are vandalized) all the roads affected by wilderness. This is also a time consuming process and is not without mistakes. The Park has also been trying to educate the public, rather than issue citations, when wilderness trespass is unintentional.

Comment: Local citizens’ input have been ignored by public process. Special interest groups like the Sierra Club have too much influence on public policy.

Response: The California Desert Protection Act was passed by Congress and signed by the president. People who supported expansion of Death Valley National Park were generally pleased with the law, while those who opposed it are less pleased. The lands involved in the expansion were managed by the federal government for decades prior to the act. The Congress is the arm of government in America that makes decisions whether to designate or not designate a national park.

Comment: The outcome for specific locations on the ground has been dictated to the general public by a select number of people. This has caused major public resentment.

Response: Congress designated the wilderness for Death Valley in section 601(a)(1) the California Desert Protection Act. Boundaries of the wilderness areas are generally depicted on 26 maps provided to the National Park Service by Congress. Section 602 of the California Desert Protection Act directs the agency to produce maps and legal descriptions using the maps identified above, and file these maps with

Congress upon their completion. The law provides that only clerical and typographical errors in the maps and legal descriptions may be made. The Park does not have the authority to change the boundaries.

Roadside Camping

Comment: Many previously used sites are within wilderness. Wilderness starts at 75 feet from the centerline of many dirt roads that border wilderness in Death Valley. This eliminates some roadside campsites. Show these locations to public.

Response: Park staff are currently identifying these areas in their ground truthing of the wilderness boundaries. Some of the previous roadside camping areas may indeed be impacted by wilderness. However, they are still open to camping, just not to vehicle access. As these sites are identified, they will be marked with wilderness signs. Vehicles will be allowed to park on the nonwilderness part of the spur roads, which is normally 50 feet from the centerline of most backcountry dirt roads in Death Valley. The Park regularly provides updated camping information brochures to communicate current NPS policy and regulations on backcountry camping.

Exotic Species

Comment: Emphasize prevention rather than control of exotics in wilderness. Removal of exotic vegetation should be done with mechanical means and without use of motorized equipment. The plan fails to address pesticide use.

Response: Allowing natural processes to follow their normal course is not always the most desirable management approach. We agree that prevention is the best solution. We also agree that it is usually desirable not to interfere with natural processes. However, in some cases, especially where people's actions have caused unnatural conditions, manipulation may be required to prevent further negative impacts.

The following has been added to Alternative 1:

The Park will use the "minimum tool" concept when proposing to control exotic vegetation within a wilderness area.

The use of any herbicide or pesticide in a park unit can only be done after complete examination of alternatives, review and approval by Washington, and then only under very controlled circumstances by trained applicators. Herbicides may be used to treat tamarisk in conjunction with mechanical removal to prevent resprouting. The herbicide used with success has been Garlon. This herbicide is painted on the stump or injected into the woody tissue in very limited amounts. It is non-persistent and it is the recommended agent for use near water sources as it is nontoxic to animals, including fish, when used in the prescribed fashion.

Filming

Comment: The National Park Service is generally limited from authorizing commercial filming in wilderness. There should be no commercial services in wilderness unless necessary for meeting wilderness objectives.

Response: Categorically rejecting any opportunities for commercial filming or other commercial services in wilderness is not appropriate. There may well be projects that promote wilderness and other Park values where allowing such uses would have tremendous benefits to wilderness protection.

Fire

Comment: *Fire management discussion needs to mention its application within wilderness.*

Response: The proposed action section on fire management has been expanded in response to your comment.

Group Size for Hikes

Comment: *Don't allow groups to conduct organized hikes off of designated roads or trails except in sand dunes where impacts will be mitigated by wind. If these activities are to be permitted, an environmental impact statement should be done.*

Response: Clarification has been added indicating that organized groups sponsoring an event in the Park involving 7 or more vehicles and/or 16 or more people and/or stock animals must obtain a special use permit. Environmental compliance would be considered on each permit and where required, an environmental assessment or impact statement would be completed.

Horses

Comment: *The plan must specifically allow for the use of horses and pack animals in backcountry and wilderness areas or their use will be prohibited by default.*

Response: Horses and other stock animals are allowed in wilderness and backcountry areas, and there are only a small number of places listed where they are not allowed. The 1998 draft plan reflects this situation under current management in alternative 2 on page 100. This has been adopted in the proposed action.

Comment: *Keep guzzlers and allow four wheel drive vehicles for maintenance. Not everyone can ride horseback.*

Response: Death Valley is now in its fourth year of using horses for wilderness access. We have a very experienced wrangler who has lead horseback trips as much as 15 miles into our wilderness. The horses routinely make these excursions with little or no water, preferring to drink upon return. Clearly, timing of the ride with weather and conditions of the route are important considerations. The Park staff would gladly lead a trip for your volunteers to demonstrate the utility of this type of access.

Management Theme

Comment: *Wilderness management should be a primary management theme in the General Management Plan. Address general goals and requirements of wilderness protection even though separate management plan is pending.*

Response: Wilderness and its protection are addressed in the Park's purpose and significance, management objectives, and in the wilderness section in the proposed action.

Minimum Tool Analysis

Comment: *Alternative 1 should develop a wilderness management component that emphasizes higher standards of wilderness protection and the need for "minimum tool" analyses. There should be a full*

range of management objectives for grazing and camping. Include inventories of roads, cabins, and sensitive natural resources.

Response: We believe that the two pages 82 and 83 of the 1998 draft plan provide appropriate details for a general management plan on wilderness management considerations and do address management using the minimum tool concept.

Comment: *Perform minimum tool analysis in order to determine what is the best way to approach an operation in wilderness areas. The goal is a nonmechanized solution to wilderness management problems.*

Response: Death Valley, along with other members of the Desert Managers Group have agreed to follow the Wilderness Act in the letter and spirit of the law. Your suggestion for onsite wilderness training for staff by the Carhart Center is a good one. The Park staff took the initiative in 1995–1996 to train almost all staff members in Wilderness Act principles. This training has been updated and repeated in 2000.

Interpretive Theme

Comment: *Educate visitors on the Park's natural and cultural treasures. Promote interpretive themes such as wilderness, cultural resources, and appropriate recreation. Visitor centers, information pavilions, and signs are crucial to achieving this.*

Response: Interpretive themes would be developed as part of the comprehensive interpretive plan.

Roads

Comment: *Road closures are a significant impact.*

Response: No road closures have resulted from actions proposed in this plan, therefore any potential impacts from such closure are not relevant to this impact analysis. Roads closed by wilderness designation were a result of congressional action, not a planning decision.

Trespass and Enforcement

Comment: *Enforcement of laws against vehicle trespass in wilderness should be more vigorously enforced and rangers should be hired to do this.*

Response: Wilderness areas have been posted with signs that state entrance by motorized vehicles and use of mechanized equipment is prohibited. Rangers presently patrol wilderness areas both on the ground and via airplane. The Park recognizes the need for additional staff to protect the vast Park and wilderness areas, however, obtaining sufficient funds to accomplish this can only occur through Congressional appropriations which compete with other needs.

Land Protection Plan

Incompatible Uses

Comment: *Add the following to the list of incompatible uses: (1) commercial irrigated agriculture (2) golf courses (3) airports / landing strips for aircraft (4) multifamily residential / vacation homes (5) ranching of exotic animals.*

Response: Based on this comment and others we have decided to modify the list of incompatible uses in the *Land Protection Plan* to delete the specific items and instead focus on statements that provide a basis for looking at a range of activities. This strategy should work for many years, regardless of new trends or activities not currently anticipated.

Mining Claims

Comment: *There are some inconsistencies in the Land Protection Plan tables regarding mining claims:*

Response: The mining claim tables and associated text have been updated and clarified in the *Land Protection Plan*.

Comment: *The Land Protection Plan needs to discuss how the National Park Service will use 36 CFR 7.26(a) to restrict development on claims for other than mineral extraction.*

Response: The text has been modified in the *Land Protection Plan* to reflect your observations. The special regulations you cite at 36 CFR Part 7.26 (a) do indeed prevent uses of mining claims for other than mineral extraction in the old monument, as well as lands added since 1933.

Comment: *On page 232 of the Land Protection Plan, the third sentence makes mining appear to be an incompatible use and should be deleted from the final plan. The Park policy should follow 36 CFR part 9 as mentioned on page 233 and implied on page 234.*

Response: The sentence simply states that mining “may potentially” affect Park resources. It is a true statement, and in those cases, mining would be an incompatible use.

Concurrent Jurisdiction

Comment: *The proposed “concurrent jurisdiction” with California and Nevada implies another government agency entering the planning process, complicating, and increasing the time and cost of doing anything requiring government approval.*

Response: Obtaining concurrent jurisdiction is a requirement of 16 U.S.C. Concurrent jurisdiction has to do with enforcement of federal and state laws and would not affect the planning process. The section on NPS regulations in the *Land Protection Plan* on page 237 of the 1998 draft plan provides additional details regarding the jurisdiction issue.

Payments in Lieu of Taxes

Comment: *Payments in lieu of taxes are a fraction of tax revenues normally received by county and local governments. Any attempts at expanding acreage currently held, especially from Nevada side will impact local governments.*

Response: The “Environmental Consequences” section has been modified to note that payments in lieu of taxes do not fully replace lost property tax revenue where private lands are acquired by the federal government.

Private Land Development in the Park

Comment: *Increases in Park visitation, bus use, mobile homes, sport utility vehicle use, will necessitate widening and paving of many roads, including backcountry roads.*

Response: The Park would acquire land in accordance with the *Land Protection Plan* (appendix B of draft plan). Section 519 of the California Desert Protection Act provides that private landowners may use their property in the Park to the extent allowable by law, regardless of its location within the Park or wilderness areas. However, this section also provides that the Clean Air Act, Mining in the Parks Act and NPS oil and gas regulations shall apply. Mining operations in parks are subject to NPS regulation, including posting of a performance bond equivalent to the full cost of reclamation. The Park is also obligated by law to protect Park resources from damage that may occur from development on private lands adjacent to or within the Park. In these instances, the Park would participate in the local permitting process to voice its concerns, and may seek acquisition funds if impacts to Park resources cannot be adequately mitigated.

Water Rights

Comment: *The public should be aware that table B-4 (appropriated water rights) is for information only and that it does not necessarily reflect all appropriated water rights, including those privately held within the Park.*

Response: The table has been clarified to indicate that the information contained in it does not reflect every water right that may exist in the Park. It is simply a list of those rights recorded with the California State Water Resources Control Board. Many other valid rights may exist and the Park will be working in conjunction with the NPS Water Resources Division to try and accumulate records for all water rights.

Mineral Developments

Abandoned Mine Lands

Comment: *State on page 66 of the draft plan that abandoned mine sites will not be closed unless they are first surveyed for bats and other wildlife by a qualified biologist. Gate the mine if a maternity roost or hibernaculum is found within the mine.*

Response: Environmental assessments would be conducted prior to mine closures. These assessments would include biological surveys and mitigation recommendations.

Standards

Comment: *If a proposed mine fails to meet 36 CFR 9a standards, the Park should not hesitate to deny the permit and approval of plan of operation. Look into acquisition possibilities. There should be no disturbance of surface prior to permit and successful validity exam.*

Response: NPS mining regulations would not allow the approval of an operation that failed to meet the approval standards. Disturbance of the mining claim could only occur under an approved plan of operations.

Valid Existing Rights

Comment: *The Park boundary should exclude all valid existing mineral rights, active mining claims, and patented mining claims.*

Response: Excluding mineral rights and claims from the Park would not eliminate the need for mine operators in the Inyo Mountains to obtain an NPS permit. NPS regulations required a plan of operations

for operations outside the Park that required access through or across the Park. The Park has no authority to exclude valid existing mineral rights from the Park. The external boundary was designated by congress.

Management Objectives

Comment: The “Management Objectives” under natural and cultural resources on page 32 contains anti-mining language contrary to the Mining in the Parks Act, NPS regulations, and other legal authority. Management objectives should recognize that congress intended mining to continue.

Response: The management objectives are consistent with the NPS preservation mission and Park enabling legislation. The two objectives that deal with mining would allow for some mineral development to occur consistent with NPS regulations. The Mining in the Parks Act (1976), which gave the National Park Service the authority to regulate mining activity in parks, recognized that some mineral development was inconsistent with the purposes that parks were set aside. The California Desert Protection Act and the Mining in the Parks Act closed the Park to new mining claims, resulting in a finite number of mining claims. Over time, the number of claims will likely decrease as a result of relinquishment of claims by the owner, depletion of the resource through mining, or acquisition by the National Park Service. We do not believe it is inconsistent with our mission and Congressional authority to have as a long-range objective the eventual phase-out of mining. This goal should not be construed by industry as anti-mining, rather as pro-preservation, which is the NPS mission and purpose. The Park Service has permitted several mining operations in Death Valley since 1976.

Mining Authorized Activity

Comment: In the “Planning Constraints and Mandates” section, add the statement that “mining is a legally recognized activity in Death Valley which is regulated by the Mining in the Parks Act and other appropriate laws and regulations.”

Response: A statement has been added to the plan recognizing that many mining claims exist in Death Valley as a result of the area being previously open to staking of claims. These claims, subject to determination of a valid right, are recognized and their existence may result in mining proposals by their owners. The plan recognizes that mineral development is an allowable activity under the Mining in the Parks Act, NPS management policies and regulations, and other laws and regulations.

Minerals as a Natural Resource

Comment: Omission of “minerals” from natural resources in the alternatives section must be corrected in the final plan.

Response: The comment does not indicate what should be included in the proposed action regarding minerals as an element of the management plan. We believe that management of the mineral resource is properly dealt with through the regulation of mining, which is addressed in the plan. We also don't feel that minerals are a component of environment that meets the criteria for inclusion in the “Affected Environment” section of the draft plan. Death Valley was withdrawn from mineral entry by Congress; therefore, the impact of the withdrawal is not an action resulting from this plan.

Rainbow Talc Mine

Comment: Buy the Rainbow Talc Mine from the owner. Get it on the list for purchase.

Response: The Park initiated an environmental assessment about three years ago. During the development of the environmental assessment, it was determined that an environmental impact statement would be needed. Before the environmental impact statement was contracted, the Park learned that the claimants and the government had agreed to a sale of the claims to the National Park Service. This sale is in progress. Funding has been identified for this acquisition. The sale to the National Park Service is proceeding as rapidly as possible.

Restoration

Comment: *Use NPS regulations to the fullest to require complete restoration of the land. Include complete backfilling of open pits and a bond sufficient to accomplish this if the mine fails.*

Response: NPS reclamation standards in our mining regulations would allow us to require such reclamation and a performance bond to ensure its accomplishment.

Comment: *Public involvement should be required for inventory and planning for abandoned mines and cabins. Is it premature for Death Valley to make estimate of \$4.6 million for restoration of abandoned mines?*

Response: Restoration plans for abandoned mines and the “Wilderness and Backcountry Management Plan” would undergo NEPA review and public involvement. The estimate for restoration of abandoned mines is a rough figure intended only to identify the problem as a major budget item.

Comment: *State that each site would be individually evaluated and reclamation action be taken as appropriate to restore the area to as natural a condition as possible. Define “restore,” “reclaim,” and “rehabilitate.”*

Response: A clarifying statement has been added indicating that a plan would be prepared for each site before actions are taken. The goals of the restoration strategy are addressed on page 66 of the 1998 draft plan. A glossary has been added.

Sensitive Resource Analysis

Comment: *Determine areas of the Park that are most vulnerable to the destructive impacts of mining and then design appropriate regulatory and acquisition strategies. Some steps in alternative 3 should be incorporated into alternative 1.*

Response: Alternative 3 outlines a sensitive resource analysis process for mineral development activities as you suggest. This is a separate alternative from the proposed action, but could be selected in the record of decision.

Range of Alternatives

Comment: *Explore an additional alternative in which proposed mineral development will not be allowed unless development meets all of the regulatory approval standards. This and the description in alternative 3 should be included within alternative 1.*

Response: The proposed action and alternative 3 build on the existing management situation for mineral management, which is described on page 102 of the 1998 draft plan. All three alternatives provide that mineral development activities would only be allowed when they meet the approval standards of NPS regulations at 36 CFR 9A. Sensitive resources would be evaluated whenever a proposed mineral

development activity is proposed. Alternative 3 differs in that it proposes a parkwide sensitive resource analysis in an effort to identify areas of the Park where mining may be incompatible. That approach relies on potential development scenarios though, rather than actual proposals. Therefore, it is not a flawless approach. Regardless of the approach, if the proposed mineral operations could not be mitigated to meet NPS approval standards, the proposed plan would be denied. Acquisition funding would be sought if no feasible alternative mineral development schemes were available.

Grazing/Cattle Management

Alternatives

Comment: The plan does not offer distinctive alternatives that present different grazing management strategies. Alternatives are similar and allow current levels of grazing. The range of alternatives should include reducing grazing levels and strengthening resource protection.

Response: The proposed action in the draft plan states that the privilege of grazing shall continue at no more than the current levels as of October 31, 1994. This statement implies that lower levels of use could occur. The superintendent has the discretion to lower grazing levels as necessary to respond to resource conditions. The potential for the National Park Service to impose restrictions or lower levels of use was clearly anticipated by Congress in the legislative history documenting the debate over allowing grazing. However, the National Park Service believes this should be done through an examination of the resource issues and conditions on each allotment. The proposed action in the draft plan provides for development of a grazing management plan that would establish resource protection guidelines compatible with NPS laws and regulations. The text has also been clarified to indicate that grazing restrictions could be imposed by the superintendent based on resource concerns, visitor safety or wilderness values.

Base Property

Comment: Are there base properties within Death Valley attached to the four grazing allotments?

Response: The grazing allotments have no base properties within the Park. However, we do not believe this necessarily negates the legislative direction for acquisition. It may mean working with conservation groups or other agencies to achieve the desired acquisition.

Management

Comment: Development of an allotment management plan for Hunter Mountain should also involve the Bureau of Land Management for neighboring grazing areas.

Response: The Park would work closely with the Bureau of Land Management in the development of grazing management plans that involve grazing on adjacent lands under the same rancher.

Comment: There is a total lack of issue coverage regarding grazing. What range standards are in place? Address grazable lands within allotments, distribution of cattle throughout allotments, sensitive plant species, riparian areas, unusual plant assemblages, and use rates.

Response: The National Park Service inherited grazing as an existing BLM activity and the California Desert Protection Act specifically allows grazing to continue. The same protections that were required by the state and federal governments will be provided under NPS management. The proposed action calls for the National Park Service to develop a grazing management plan that will, at minimum, follow existing

federal and state guidelines (e.g. Clean Water, Cultural Resource Protection, and Endangered Species Laws) and needed for additional protections to be provided to the Park's natural and cultural resources in compliance with NPS policies and regulations.

Comment: How will the Bureau of Land Management and the National Park Service manage their respective sections of Hunter Mountain and Last Chance allotments? How will the National Park Service exclude cattle from Eureka Valley and Lacey-Cactus-McCloud allotments?

Response: Presently, no grazing occurs on the BLM portion of the Hunter Mountain grazing permit. There is no water presently available on those BLM lands.

Cattle are physically excluded from Park lands by the rugged terrain in the Lacey-Cactus-McCloud permit. The Park's portion of the Eureka Valley permit received no, or very little, grazing. The proposed action retires grazing on these two permit areas. The Last Chance permit has not been issued for several years and will be retired.

Grazing in Other Areas of the Park

Comment: Sec. 306. (grazing) in the California Desert Protection Act does not specify grazing only at current locations. Livestock use in formerly grazed areas, where water rights are still held, should be considered.

Response: The superintendent has the authority to make changes in the location and the number of cattle grazing on lands in the Park. While minor adjustments may be warranted in and around the existing permits, the legislation did not provide for grazing elsewhere in the Park outside the areas where it was currently occurring in 1994.

Impacts

Comment: The grazing section does not adequately describe how the Park Service will manage livestock grazing without adverse impacts to fish, wildlife, and plant resources.

Response: Grazing impacts are identified in the "Environmental Consequences" section.

Grazing impacts are reduced from the level when Death Valley National Park inherited grazing as an existing federal activity from the Bureau of Land Management. Only one of the four permits identified within the draft plan is presently authorized for grazing. The small acres within Death Valley National Park of the Eureka Valley and the Lacey-Cactus-McCloud permits will be retired with no reduction to the ranchers' use-levels on the adjoining BLM allotments. Nevada BLM has suspended the grazing privilege for the Last Chance allotment and Death Valley has done the same. Death Valley plans to retire the Last Chance grazing permit at this time. This is a reduction of 2,249 animal unit months.

Comment: The Park Service claims that a few ranching operations would be impacted and of little consequence. Ranchers are an essential part of our economy.

Response: The socioeconomic analysis prepared under contract concluded no significant effects would occur as a result of implementation of the general management plan. However, some grazing related jobs may be lost.

Retirement of Allotments

Comment: The plan should recognize all 4 grazing allotments within the Park. The document implies that there has been consultation/coordination with lessees on elimination of small Park areas from Lacey-Cactus-McCloud and Eureka Valley allotments. Lessees had no knowledge of the recommendation.

Response: Page 90 of the 1998 draft plan recognizes all four permits that existed in 1994 at the time passage of the California Desert Protection Act. However, the portions of the Eureka Valley and Lacey-Cactus-McCloud permits in the Park make no significant contribution to the permits according to the Bureau of Land Management and are planned for retirement. The National Park Service has had multiple communications with three of the four permittees. Attempts to communicate with the fourth permittee are continuing.

Permits

Comment: Concerning the proposed process for extending grazing permits, the plan does not describe permit conditions (appropriate use and restrictions). This requires NEPA analysis.

Response: Interim grazing permits were issued by the Park as a continuation of pre-existing BLM permits issued with appropriate environmental compliance. Existing operations, as specified in the NPS special use permits (see appendix F in volume 1 of the revised plan) are generally covered by the draft plan and final plan. The general management plan is intended to only set broad direction for the Park's grazing management program. Detailed operational guidelines would be outlined in the yet to be prepared grazing management plan. Appropriate NEPA compliance and public input will occur.

Fees

Comment: Grazing fees should be more than that charged by the Bureau of Land Management and the Forest Service and cover the cost of range facilities maintenance, monitoring, and administration of grazing program.

Response: Nothing in the California Desert Protection Act indicates that the grazing program should be supported entirely by fees; however, we believe that to be a desirable goal. For the interim, fees would be charged per AUM using the BLM's formula, plus the cost of issuing a permit.

Water

Comment: Alternative 1 language "keep all developments benefiting vegetation and wildlife" implies that all other water developments, while benefiting livestock, would be eliminated. This proposal should be eliminated.

Response: Please see the last paragraph in the "Water Development" section, page 63 of the 1998 draft plan, where it concurs with the maintenance of water necessary for permitted livestock use.

Wilderness Access

Comment: The plan must state that the National Park Service is subject to NPS management policies which states that use of motorized/mechanical equipment will not be allowed in wilderness.

Response: This statement is clarified to indicate that ranchers would normally be required to access wilderness on foot or horseback, similar to other users. However, certain situations may exist where motorized access is necessary to maintain range developments. These types of access could be considered under section 708 of the California Desert Protection Act that provides for adequate access and reasonable use and enjoyment to owners of nonfederal lands or interests that lie in wilderness. A minimum tool determination would be used prior to granting approval for motorized/mechanical equipment use within wilderness. Death Valley National Park will follow the Wilderness Act, and the California Desert Protection Act in the administration of the Park's wilderness areas.

OTHER TOPICS

Biosphere Reserve

Comment: Reference is made to "international programs" in the second paragraph on page 29 of the draft plan. Appropriateness and U.S. sovereignty questions the legality of international programs in Death Valley.

Response: The statement on page 29 in the 1998 draft plan regarding international programs is in reference to a portion of the agency's mission. In addition to managing parks, the National Park Service also provides assistance to local and state entities and other countries throughout the world in helping to plan and establish national parks. NPS staff are viewed as world class park planners and managers and our assistance is sought out. We believe that this aspect of our mission is a benefit to worldwide resource conservation. This is a program that we are proud of and does nothing to question the sovereignty of the United States.

Death Valley National Park's participation in the Man in the Biosphere Program is also a recognition that deserves the support of the public. This program recognizes exceptional natural areas in the world that meet certain resource protection standards. If the Park failed to continue to meet these standards, the recognition would be lost. There is no management influence or direction provided by any international entity. Death Valley National Park is owned by the American people and operated for the benefit of all citizens. International visitors are, of course, welcome to enjoy and learn from the Park. (See Appendix D in the revised draft plan).

Draft Environmental Impact Statement

Adequacy/Legal Sufficiency

Comment: The range of alternatives is too narrow to meet requirements of NEPA regulations. Additional actions to better enhance and protect fish, wildlife, and plant resources, and meet NPS policy and congressional intent should be included as alternatives.

Response: The Environmental Protection Agency, the federal agency responsible for overseeing the National Environmental Policy Act (NEPA) reviewed the draft plan and had no objections to the plan and commended the Park Service for developing a quality management plan for the Park. Extensive public meetings, interagency coordination, and numerous meetings with the Death Valley Advisory Commission yielded the alternatives presented in the draft plan. The stated planning objective throughout the scoping and alternative development phases was to develop a general management plan for Death Valley that met the intent of Congress, was consistent with agency guidelines for general management plan content and

scope, and was implementable. It was not the intent to craft an array of management alternatives that violate congressional intent and required legislation before they could be implemented. Mandates from the California Desert Protection Act, existing laws, policies, and regulations guided the range of alternatives with this objective in mind. The planning effort explored the traditional theme alternative approach (i.e. visitor use emphasis, resource protection emphasis, etc.) and decided that approach was not consistent with public input received during scoping. The general feeling during scoping was the public was satisfied with the management of the old monument and was not interested in new visitor use developments. Therefore, we believe the range of alternatives is appropriate given these considerations.

Comment: Description and analysis of the three alternatives do not offer sufficient detail to allow a complete comparison, and appear too weak to achieve their stated purpose.

Response: We believe that the 50 pages of text in the 1998 draft plan devoted to describing the proposed action and the two alternatives is of sufficient detail to accomplish the stated planning objectives and address the range of issues for the management of the Park for the first tier planning document. Alternative 3 is brief because it is the same as Alternative 1 except for stated differences. The full text of Alternative 1 is not repeated.

NPS general management plans represent the first phase of tiered planning for parks and provide the overall management framework under which other detailed plans are developed. The NPS planning process involves several levels of planning that become increasingly more detailed and complementary by agreeing first on why the Park was established and what resource conditions and visitor experiences should exist there, and then by becoming increasingly focused on how those conditions should be achieved. Decisions about site-specific actions are deferred to implementation planning when more detailed site-specific analysis would be done.

Affected Environment and Impact Analysis Sections

Comment: The “Affected Environment” and “Environmental Consequences” sections of the Draft Environmental Impact Statement are weak and lack information and documentation for several conclusions drawn. The “Environmental Consequences” section does not contain scientific analysis sufficient for comparing alternatives. Appendixes should be included which substantiate any analysis.

Response: We believe the level of detail in the “Affected Environment” and “Environmental Consequences” sections is commensurate with the broad-scale decisions of this plan. According to the regulations and NPS guidelines, the affected environment section of an environmental impact statement is intended only to give the reader a general understanding of the environment that may experience impact if the proposal or alternatives are implemented. This section is not intended to be a complete description of the environment of Death Valley. Data in this section should be commensurate with the importance of the impact. Data in the affected environment section is also supplemented, as directed by regulations, by appendix material and references. For instance, this plan includes lists of private lands, mining claims, water rights, and species of special consideration in appendixes. It also references numerous other published sources and incorporates by reference a separate analysis of socioeconomic conditions.

Appendixes included are those that were deemed relevant to the analysis. There are also many references cited in the analysis. This is the normal process for an environmental impact statement.

The “Environmental Consequences” section is structured once again to build upon differences between the “Existing Management and Proposed Alternatives.” The discussion in Alternative 2 identifies the major effects of continuing existing management actions on primarily the new lands added to the Park in 1994. Continuing the preservation strategies and existing developments that have occurred for many years

on the old monument lands were not considered major and have been addressed in previous planning and environmental compliance documents. Therefore, the discussion focuses on the major impact topics and builds from the existing management strategy by identifying differences between the proposed alternatives and no action. The “Environmental Consequences” section is also supported by a socioeconomic analysis done under contract and incorporated by reference.

Alternatives

Comment: The description and analysis of the three alternatives do not offer sufficient detail to allow a complete comparison, and appear too weak to achieve their stated purpose.

Response: We believe that the 50 pages of text in the draft plan devoted to describing the proposed action and the two alternatives is of sufficient detail to accomplish the stated planning objectives and address the range of issues for the management of the Park for the first tier planning document. Alternative 3 is brief because it is the same as Alternative 1 except for stated differences. The full text of Alternative 1 is not repeated.

NPS general management plans represent the first phase of tiered planning for parks and provide the overall management framework under which other detailed plans are developed. The NPS planning process involves several levels of planning that become increasingly more detailed and complementary by agreeing first on why the Park was established and what resource conditions and visitor experiences should exist there, and then by becoming increasingly focused on how those conditions should be achieved. Decisions about site-specific actions are deferred to implementation planning when more detailed site-specific analysis would be done.

Comment: The description of alternative 1 is incomplete and does not allow for adequate comparison between alternatives. New data gathered on biological resources since 1989 General Management Plan should have been used to update plan rather than simply extend it to new lands.

Response: We feel that the alternatives descriptions are adequate and comparisons can be made among the various alternatives. The level of detail provided is appropriate for an NPS general management plan, which is the first phase of tiered planning. Many other implementation plans identified on page 51 of the 1998 draft plan are in place (some may need updating) or will be prepared to delineate the specific actions needed to carry out the broad management goals of the management plan. New data on resources is constantly being gathered and considered in Park management actions.

Comment: Where are declared the themes? Alternatives are a collection of action items. Do not give public handle to assist in forming opinions based upon individual desires and needs. Only give people ability to be for or against specific action items.

Response: The theme approach to alternatives was explored and rejected. Such an approach typically creates public voting on alternatives based on titles and often creates an array of unrealistic expectations. In this plan we felt it would be better to present alternatives without titles that are composed of elements that could be considered against each other. This creates an array of alternative choices for issues where public input suggested it was needed, but does not create unnecessary and unrealistic choices where no issues exist. Therefore, if through the consideration of public input, agency mission, and legal requirements it is decided that some component of alternative two or three is preferred over what was in the proposed action, the final plan selected in the record of decision could conceivably consist of elements from all three alternatives. We believe this approach focuses the alternatives on the issues raised during scoping.

Comment: *The plan should include reasonable alternatives that are not within the jurisdiction of agency.*

Response: We do not believe that creating alternatives for the management of Death Valley that conflict with legislative direction for the Park is consistent with our stated objective of creating an implementable management plan for the area. If we were to evaluate such an alternative and ultimately select that approach as the desired management, we would be creating a management plan that could not be implemented unless Congress agreed with the change and decided to pass legislation to authorize it.

Comment: *The plan fails to identify the environmentally preferred alternative.*

Response: The Council on Environmental Quality (CEQ) and NPS guidelines on implementing NEPA suggest that the preferred alternative may be identified in the draft plan, but if the agency has no preferred alternative at that time it does not have to be identified. It has to be identified in the final plan. The draft plan did identify the agency proposed action, but that does not necessarily represent the preferred alternative. The council requires that the “environmentally” preferred alternative be identified in the record of decision.

Miscellaneous

Comment: *The National Park Service did not solicit input from Vern Bleich or the California Department of Fish and Game.*

Response: Several invitations were offered to the California Department of Fish and Game to participate in this planning effort. Personal invitations were made by the team leader to the regional manager to provide a contact for this planning effort. CDF&G personnel attended several briefings on the planning effort where invitations were also made. A written invitation to be a cooperating agency was also sent to the agency, but no response was received. Agency biologists, including Mr. Bleich, were contacted by planning team members in the collection of data for development of the plan.

Comment: *At the Furnace Creek meeting did we take detailed notes of the comments and names of those making them, as required by NEPA? Will they be published in the final environmental impact statement?*

Response: All public meeting participants were instructed that only written comments would be responded to and a form was provided for those participants that did not want to write a letter. As was explained at the meetings, it is impossible to capture the essence of a public comment provided only orally. In order to be sure that the comment was written accurately, each participant was instructed to write their comments in their own words. The National Environmental Policy Act does not require that oral comments be included.

Comment: *The comment period needs to be kept open for the entire NEMO area until 90 days after the third segment is released.*

Response: The comment period was kept open for 127 days. The National Park Service GMP planning process is separately funded and extensions such as you suggest are not possible. The Bureau of Land Management’s schedule for release of a draft document has changed several times and it is uncertain how soon their document might actually be released.

Comment: *The administrative directive to do regional planning is very sound and should not be violated. The Northern and Eastern Mojave Planning Effort is the only segmented plan.*

Response: Unprecedented interagency coordination of issues throughout the desert has also been occurring for nearly five years through the Desert Managers Group (DMG). The DMG consists of senior level managers from the desert national park units (Death Valley, Mojave, and Joshua Tree), the Bureau of Land Management's California Desert District and desert field area offices, the Department of Defense desert facilities (29 Palms Marine Base, Fort Irwin, Edwards Air Force Base, and the Navy's facilities at China Lake), and representatives from California's Department of Parks and Recreation and Department of Fish and Game. This group has been meeting several times each year since 1995 to resolve ecosystem wide issues similar to those that you mention. The DMG has established numerous working committees that focus on science and data management, desert restoration, public education, cultural resources preservation, hazardous materials cleanup, etc. This group has interagency staff working side by side in numerous projects and received the Hammer Award from Vice President Gore in 1996 for Reinventing Government.

The Northern and Eastern Mojave planning effort was never intended to present or propose a single management plan or philosophy for the northern and eastern Mojave, BLM and NPS lands. Instead, it was intended to coordinate the development of these plans and this has been occurring. The administrative draft that attempted to combine each agency's management plans into a single draft environmental impact statement was for too large and complex to be useful. Regardless of the approach, the Bureau of Land Management and the National Park Service must still follow their separate and distinct mandates and policies. The public will be afforded ample opportunity for input into the Bureau of Land Management's management decisions when their draft environmental impact statement is released.

We have indicated since the very first public meeting that NEMO is a coordinated planning effort. We also identified the possibility of a single environmental impact statement or three separate ones.

Comment: *No mitigation measures are offered to offset any negative impacts associated with implementing the proposed plan.*

Response: NEPA regulations call for measures to mitigate adverse impacts, *if not adequately covered by the proposed action or alternatives* (40 CFR 1502.16(h)). The plan covers a legislative change in managing agencies for existing federal lands and their subsequent actions. The proposed action typically protects and enhances the resources over the existing management alternative. The proposed alternative is essentially mitigation for the existing management alternative. Many of the actions proposed would mitigate adverse impacts currently occurring.

Comment: *Public involvement in Nevada has been inadequate. The National Park Service has lacked proactive involvement of adjacent areas during the scoping period of the plan.*

Response: The California Desert Protection Act called for the creation of a Death Valley Advisory Commission, with members appointed by the Secretary of the Interior. The commission's purpose is to advise the Park superintendent on planning. A member of the Nye County Board of Commissioners, was on the Death Valley Advisory Commission. He attended two meetings and has received information on all other meetings. He received correspondence on all activities on the NPS planning effort, including briefings and the draft plan. The National Park Service held over 30 public meetings, three at Furnace Creek, three in Las Vegas, and one in Nye County. All these meetings were advertised in the media and notices were sent to our mailing list.

Future Planning

Comment: The 15 activity planning efforts should be developed and presented as part of the plan, not left for the future.

Response: It would not be feasible to include that amount of detail in this plan. The Park Service believes that if one considers all the material included in the draft plan, that provides the purpose, significance, management objectives, interpretive themes, and desired future conditions, as well as the content of the proposed action, we believe considerable guidance and detail is provided to guide the development of specific activity level plans. The level of detail is consistent with the NPS guidelines and direction for general management plans as the first phase of tiered planning that provide a broad overall management framework for future plans.

General Management Plan

Purpose of Plan

Comment: The description and analysis of the three alternatives do not offer sufficient detail to allow a complete comparison, and appear too weak to achieve their stated purpose.

Response: We believe that the 50 pages of text in the draft plan devoted to describing the proposed action and the two alternatives is of sufficient detail to accomplish the stated planning objectives and address the range of issues for the management of the Park for the first tier planning document. Alternative 3 is brief because it is the same as Alternative 1 except for stated differences. The full text of Alternative 1 is not repeated.

NPS general management plans represent the first phase of tiered planning for parks and provide the overall management framework under which other detailed plans are developed. The NPS planning process involves several levels of planning that become increasingly more detailed and complementary by agreeing first on why the Park was established and what resource conditions and visitor experiences should exist there, and then by becoming increasingly focused on how those conditions should be achieved. Decisions about site-specific actions are deferred to implementation planning when more detailed site-specific analysis would be done.

Comment: The plan is more of an outline of future planning than the plan itself. There is no mechanism to address the cumulative impacts of all of these planning efforts.

Response: This plan is intended to be more prescriptive than detailed with its management direction. This is in response to recent changes in NPS planning at a national level. NPS managers have reported that general management plans that are prepared with greater levels of detail become obsolete quicker and require more revisions.

Public Input

Comment: There is no mention of an annual review or process for the public or other agencies to comment on any changes that Death Valley may deem necessary in the future, after the plan is finalized.

Response: There is no NPS process for annual changes. General management plans are in place for 10–15 years. If any amendments to the general management plan were made in the future, they would be accomplished through the NEPA process involving the public. Future specific management plans would

also involve the public through the NEPA process and through the Death Valley National Park Advisory Commission.

Cooperative Management

Comment: *Alternative 1 should include compliance with the memorandum of understanding (MOU) signed between the National Park Service and the California Department of Fish and Game regarding cooperation and coordination between agencies in relation to fish and wildlife issues. If alternative 2 will not achieve compliance with the MOU, state how and why.*

Response: We agree that a management objective should be included where suggested to address cooperative management of wildlife with other state and federal agencies. Such an objective has been added (see “Introduction/Management Objectives” section).

We believe that the “Proposed Action” complies with the 1973 amendment to the Memorandum of Understanding between the National Park Service and the California Department of Fish and Game and with the Biodiversity Agreement of 1991.

Cost Summary Table

Comment: *Only \$6.5 million of \$28.8 million estimated are targeted for on the ground resource protection and enhancement. This seems out of balance.*

Response: The cost estimates included in the draft plan represent class C estimates for the major activities or construction projects. Many of these projects, although involving construction activities, are proposed with resource protection as the goal. Public information, exhibits, walkways, fences, etc. all contribute to resource protection goals. Most of the increased funding and staffing increases identified in the draft plan are also targeted at resource protection through the hiring of additional education, interpretation, resource and maintenance positions. The Park also has additional opportunities each year to seek base funding increases and special short-term project funding for resource protection needs. Funding is anticipated in FY 2000 for burro removals, restoration, hazardous dump cleanup, and ecological monitoring. This funding has a desert-wide focus and projects are being coordinated through the Desert Managers Group and sub-groups of staff specialists.

Development Concept Plan Cost Estimates

Comment: *Please explain what the development concept plan is on page 92 of the draft plan.*

Response: The table provides rough cost estimates for implementing the development concept plans that are discussed on page 79 of the draft plan. At this time, these are based solely on our perceptions of the needs at these areas and are not a reflection of detailed planning studies. More refined cost estimates would be prepared in the future as plans are refined and details are developed.

Day Use Area Criteria

Comment: *Plan should have included guidelines and standards for determining when new day use areas are appropriate.*

Response: The wilderness/backcountry use plan would consider the designation of day use areas in the new Park lands. Typically, camping is not permitted if it would conflict with day visitor use or pose a threat to resources or visitor safety.

Desired Future Conditions

Comment: *No desired future conditions are given for habitats.*

Response: Resource conditions are addressed as one element of the “Desired Future Conditions” in terms of the tolerance for resource degradation for each management area, such as wilderness and natural areas.

We agree that sensitive habitats should be specifically highlighted and higher protection standards should be given. Desired future condition statements have been added to address this concern.

We believe the “Proposed Action” is a strong resource preservation approach. It does not propose to expand visitor use developments, but does provide protection for 95% of the Park in a wilderness setting, proposes to remove exotic species such as the burro, proposes to manage grazing and mining, and proposes to protect sensitive species.

Develop Outside Park Instead of at Grapevine

Comment: *Further development in old monument lands, particularly Grapevine ranger station, is not in keeping with the goals of the National Park Service: preserving resources while making them available for the public’s enjoyment.*

Response: The National Park Service encourages the development of public amenities and administrative offices outside of its boundary. However, at times, facilities are needed for public accommodation, safety, and enjoyment. Therefore there are occasions when restrooms, visitor centers, ranger stations, employee housing, and campgrounds are necessary inside the Park. We have examined the option of building outside the Park on Sarcobatus Flat or in the Bonnie Clair area. This is still an option if feasible.

Housing and Facilities

Comment: *Does the Park need housing at Panamint Springs? The commute from Lone Pine is not unreasonable. Consider trading the abandoned Caltrans houses above Panamint Springs to the Panamint Springs owners for some of their land.*

Response: The Park does not anticipate adding employee housing at Panamint Springs. However, the old Caltrans buildings could possibly serve as employee housing if they meet our needs. Your suggestion may also be a good alternative.

Comment: *What about building a duplex unit or two in Wildrose campground? Remove the old houses and relocate the campground.*

Response: Employee housing units at Wildrose are mentioned on page 81 of the 1998 draft plan. Construction of employee housing is a costly issue that requires detailed site planning. It is the intention of the plan to retain housing at Wildrose.

Comment: *There is no mention in the plan about anything to do with restoring Emigrant Ranger Station. Has the proposal been dropped?*

Response: The Park fully intends to restore and maintain this important structure.

Comment: *Isn't it federal policy to rent or lease office space in communities rather than building them?*

Response: The proposed action addresses the potential for obtaining office space, but does not indicate whether it would be built or leased. The cost summary identifies building costs if that course were pursued.

Staffing and Cost Breakdown

Comment: *Incomplete cost, staffing, and resource assignment breakdowns, and inadequate general presentation of future costs, staffing, and resource assignment plans make the understanding of alternatives difficult.*

Response: Existing staffing and funding levels are provided on page 104 of the 1998 draft plan. Actual “on-board staffing” can vary from month to month as positions are vacated and refilled. Future staffing and funding needs are provided only as an indication of the approximate cost of implementing the general management plan. They are not intended to be specific commitments or priorities. Relative priorities are identified for the projects identified in the implementation tables by phases. Developing specific details to obtain funding to implement programs is a complex process that involves preparation of budget documents supported by lengthy documentation. The details are normally based on more detailed activity level planning.

Some of the details you may be seeking regarding the focus of the Park staff and funding is available in the Park’s strategic plan and annual performance plan. Details regarding the breakdown of the existing Park budget and the resource assignment plans may also be available soon via the Internet.

Zoning

Comment: *A section should be included in the General Management Plan that details the zoning process in Death Valley along with a supplementary map of the Park showing these zone boundaries.*

Response: The use of management zones by the National Park Service is changing. The new “Directors Order 2 Planning Guidelines” provide a more flexible approach than previous policies allowed. In Death Valley we see no value added to the general management plan by using management zones. The Park is already subdivided into different management areas, which are generally described on pages 38–40 of the 1998 draft plan under desired future conditions. These management areas, including wilderness, roads, visitor facilities, etc. are identified on various maps provided in the draft plan and final plan.

Comment: *Death Valley, as the largest Park, can afford to allocate some significant lands as “no people zones.”*

Response: NPS regulations and policies provide for the closure of areas of the Park where necessary for resource or visitor protection. However, without compelling reasons for doing so we fail to understand your reasoning why “significant areas” should be human-free. In fact, many areas of Death Valley are rarely, if ever, visited by humans just because of the vastness of the area. Most visitors stick to paved or backcountry roads and few venture out cross-country. There seems to be little evidence to suggest that the current visitor use trends are likely to change anytime soon.

Death Valley Natural History Association

Comment: What is the nature of the fiscal relationship with the Natural History Association?

Response: The Death Valley Natural History Association raises funds that support Park projects such as research, interpretive programs, and the purchasing of support equipment and supplies. Additional information can be obtained by contacting the association or Park staff directly.

Law Enforcement Rangers

Comment: Perhaps a change in training perspective (from police academy) could be effected that would result in a less antagonistic relationship with the backcountry public.

Response: Each year national park rangers assist over 1.3 million visitors in enjoyment of the Park. The Park ranger staff is highly dedicated and professional. They often work long hours, nights, and weekends to help visitors and to protect the Park. Death Valley park rangers have been recognized nationally for heroism in the face of mortal danger. From those visitors, hundreds of complimentary letters, often including donations to the Park, are received. The Park receives about 5–6 complaint letters each year. The complaints are reviewed thoroughly. If a ranger made a mistake he/she is provided counseling and education. A portion of rangers receive training in rescue work, emergency medicine, desert survival and law enforcement. This is both to assist Park visitors and to protect Park resources. Unfortunately, the parks, including Death Valley are not exempt from crime. Rangers must be prepared for this for the safety of the Park visitors and resource protection.

Northern and Eastern Mojave Planning Effort

Coordinated Planning

Comment: The concept of cooperative regional wildlands / natural areas management should not be dropped even though the combined NEMO plan failed. The administrative directive to do regional planning is very sound and should not be violated. NEMO is the only segmented plan. The Death Valley plan must call for some general cooperative efforts for mutual projects in protecting lands.

Response: The National Park Service and Bureau of Land Management have not dropped the concept of cooperative regional management despite the separation of the Northern and Eastern Mojave area into three separate plans. Coordination and discussion of common planning issues occurred for two and one half years before agencies proceeded to prepare separate plans to meet their agency needs. That coordination continues. We have indicated since the very first public meeting that NEMO is a coordinated planning effort. We also identified the options of a single environmental impact statement or three separate ones.

Unprecedented interagency coordination of issues throughout the desert has been occurring for nearly five years through the Desert Managers Group (DMG). The DMG consists of senior level managers from the desert national park units (Death Valley, Mojave, and Joshua Tree), the Bureau of Land Management's California Desert District and desert field area offices, the Department of Defense desert facilities (29 Palms Marine Base, Fort Irwin, Edwards Air Force Base, and the Navy's facilities at China Lake), and representatives from California's Department of Parks and Recreation and Department of Fish and Game. This group has been meeting several times each year since 1995 to resolve ecosystem wide issues similar to those that you mention. The DMG has established numerous working committees that focus on science and data management, desert restoration, public education, cultural resources preservation, hazardous

materials cleanup, etc. This group has interagency staff working side by side in numerous projects and received the Hammer Award from Vice President Gore in 1996 for Reinventing Government.

Combined Plan Versus Separate Ones

Comment: Borax and other parties are disadvantaged since the BLM plan portion of the NEMO planning effort has not been released yet for public comment.

Response: We do not believe that U.S. Borax or other mineral companies are at a disadvantage with the separate management plans being prepared by the Park and the Bureau of Land Management. The Northern and Eastern Mojave planning effort was never intended to present or propose a single management plan or philosophy for the northern and eastern Mojave, BLM and NPS lands. Instead, it was intended to coordinate the development of these plans and this has been occurring. The administrative draft that attempted to combine each agency's management plans into a single draft environmental impact statement was for too large and complex to be useful. Regardless of the approach, the Bureau of Land Management and the National Park Service must still follow their separate and distinct mandates and policies. Our proposed action does not propose any new restrictions on mineral development. An approved plan on a valid existing right must still follow NPS regulations. The public will be afforded ample opportunity for input into the Bureau of Land Management's management decisions when their draft environmental impact statement is released.

Compatible Plans With BLM/USFS

Comment: The planning process has no mechanism for change or annual review, no process for suggestions from the public or other agencies. The plan has no compatibility with BLM, USFS, and USFWS draft plans.

Response: There is no annual review for NPS general management plans. Amendments would have to go through a similar NEPA and public review process as the original plan. Coordinated planning, as was done through the Northern and Eastern Mojave planning effort, does not imply that agency missions are ignored. The NPS preservation mission is quite different from the BLM or USFS missions. Coordinated planning provides a means to recognize where common issues provide opportunities for cooperation and enable us to minimize potential future conflicts.

Separate Summary Document

Comment: There needs to be a separate document that covers and brings together various integrated issues covering the planning area.

Response: A separate summary document that addresses common issues over the entire NEMO planning area is being considered.

Yucca Mountain

Comment: Death Valley must be a participant in any actions that can preserve good water quality for the Park. Death Valley must be a party to the Yucca Mountain High level nuclear waste planning effort.

Response: The Park is participating in the public review process for the *Yucca Mountain Environmental Impact Statement* and is on their mailing list for any information on the project. The Park is an "interested

neighboring agency,” but has no role as formal partner in their planning efforts. The Park has responded to the Department of Energy’s draft environmental impact statement.

Comment: The Park must attempt to avoid transport of nuclear waste along Park boundaries.

Response: The Park is aware of the issue of nuclear waste transport. The Park will continue to keep abreast of the situation and advocate strong protections for Park resources and visitors.